

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 16404 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The petitioner was appointed as a Fair Price Shop Dealer in respect of Shop No.17 of Balanagar Cross Road, Balanagar, Ranga Reddy District. He is aged about 64 years and suffering from heart problem. His authorization was valid up to 31.03.2015. While so, on 28.05.2015 the 4th respondent inspected the shop and verified the records.

A panchnama was conducted and 6-A proceedings were initiated. The 2nd respondent also issued proceedings on 06.06.2015 suspending the authorization of the petitioner, on the ground that the shop is being run by one T. Srinivas who is a benami to the dealer. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner brought to my notice that at the time of inspection, the said Srinivas along with the dealer was present and the report submitted to the Joint Collector reveals that the dealer informed the officers that due to old age and heart disease, the petitioner is unable to run the fair price shop, and as such, his sister's son is running the shop on his behalf. He also stated that the petitioner does not know the details of the fair price shop. In the affidavit filed in support of the writ petition, the dealer states that he belongs to S.C. community, whereas the said Srinivas belongs to B.C. community and hence the said Srinivas is not his relative. Be that as it may, the allegation whether the shop is being run by a benami or not can be verified even without suspending the authorization of the petitioner. Admittedly, 6-A proceedings are pending against the petitioner. In the circumstances, the impugned order passed by the 2nd respondent to the extent of suspending the authorization of the petitioner is set aside, but however, giving liberty to the 2nd respondent to proceed against the petitioner with respect to the allegations and complete the enquiry within a period of three months from the date of receipt of a

copy of the order after duly observing the principles of natural justice and binding decisions of this Court.

4. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

11th June, 2015

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