

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.1934 of 2015

ORDER:

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Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the 2nd respondent in suspending the authorisation of the petitioner without mentioning the period of suspension vide proceedings dated 01.11.2014, as illegal, arbitrary and violation of principles of natural justice and to set aside the said proceedings.

3. The petitioner is the Fair Price Shop dealer of T.Kothapalli Village, Gooty Mandal, Anantapuramu District. He was appointed as dealer in the year 2004 on temporary basis. From the date of his appointment, he has been distributing the essential commodities to the cardholders. It is submitted on behalf of the petitioner that basing on the report sent by the 3rd respondent on 30.09.2014, the 2nd respondent issued show cause notice to the petitioner, for which the petitioner submitted his explanation. Thereafter, the 2nd respondent suspended the authorisation of the petitioner without mentioning the duration of suspension. The said order is challenged in the present writ petition.

4. Learned counsel appearing for the petitioner contends that though the suspension order was passed about three months ago, so far no enquiry was conducted. He relied on a decision in '***U.K. Narasimhulu vs. Joint Collector, Kurnool District***'^[1], wherein the learned single Judge of this Court took a view that the suspension of authorisation has to be for a specified period and the period has to be indicated in the order by the appointing authority depending on the

gravity of the matter and the suspension of the authorisation cannot be for an indefinite period. In the said case, the learned single Judge directed the Revenue Divisional Officer to pass an order within two weeks indicating the period of suspension and the suspension against the petitioner shall be confined to a period of two months and after expiry of the same, the petitioner shall be entitled to function as dealer.

5. In the instant case, though three months has been elapsed, no final order has been passed by the Revenue Divisional officer, after conducting due enquiry. Learned Government Pleader for Civil Supplies on the other hand contends that there are serious irregularities committed by the petitioner and therefore, the suspension of authorisation is proper.

6. Considering the contentions urged by both sides, this Court is of the view that as the final order has not been passed even after three months of passing suspension of authorisation, the suspension order requires to be revoked. Consequently, the suspension order where under authorisation of the petitioner's dealership was suspended, is revoked. The Revenue Divisional Officer is however, directed to conduct enquiry and pass final orders within two months from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

R.KANTHA RAO, J

Date: 09.02.2015
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