

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.M.P.No.3692 of 2015 in W.P.M.P.No.9472 of 2015 in
W.P.No.7127 of 2015

&

W.P.No.7127 of 2015

ORDER:

Heard the learned counsel for the Writ Petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. In this Writ Petition, the petitioner assails the order suspending his fair-price-shop dealership vide order dt.26-02-2015.
3. In the proceedings dt.26-02-2015, it was alleged that the petitioner was running the shop through benami, and that there were certain variations in the stock available in the petitioner's fair-price-shop.
4. Petitioner contends that the alleged variations are within permissible limit and that petitioner has not allowed any benami to run the shop.
5. Although the order of suspension pending enquiry has been issued vide proceedings dt.26-02-2015, till date no show cause notice has been issued to the petitioner indicating the specific charges.
6. A Division Bench of this Court in **The Joint Collector, Kurnool Vs. A.Neelima** held that the normal period of suspension for enquiry against the fair-price-shop dealer should not exceed 90 days. This judgment has been followed in

D.Sambasiva Rao Vs. Joint Collector, Guntur and others and M.Venkata Ramaiah Vs. Joint District Collector (CS), Anantapur District and others. Moreover, I also feel that the allegation that the petitioner is running the shop benami can be enquired into by 3rd respondent without having to suspend the fair-price-shop authorization of the petitioner.

7. In this view of the matter, the Writ Petition is allowed setting aside the order dt.26-02-2015 passed by 3rd respondent giving liberty to 3rd respondent, if he so chooses, to issue show cause notice to the petitioner indicating the charge of benami only since the alleged variations of stocks even according to the Government Pleader is within the permissible limit. The W.V.M.P.No.3692 of 2015 is dismissed. No costs.
8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-11-2015

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