

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.3416 of 2015

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Date: 18-02-2015

Between

Manda Venkateswara Rao
@ Venkata Rao

... Petitioner

and

The State of A.P.,
Rep. by its Prl. Secretary,
Civil Supplies Dept.,
Secretariat, Hyderabad;
and 2 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.3416 of 2015

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Order:

Heard Sri K.Joseph, learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. The petitioner is the fair price shop dealer of shop No.23 of Thimmapuram village, Edlapadu Mandal, Guntur district. On 11-7-2014, the 3rd respondent inspected the fair price shop of the petitioner and verified the stocks with

reference to the registers and seized stocks on the ground that some variations were found.

A case under Section 6A of the Essential Commodities Act, 1955 was also filed against the petitioner.

The 2nd respondent issued a show cause notice dated 15-7-2014 to the petitioner alleging certain irregularities. The petitioner submitted an explanation.

The 2nd respondent however without considering the explanation submitted by the petitioner suspended the authorisation of the fair price shop of the petitioner on 15-7-2014 itself. The learned counsel for the petitioner submits that the authorisation was suspended without considering the explanation submitted by the petitioner in a mechanical way.

3. Obviously, the order passed by the 2nd respondent does not specify the period of suspension to be in force. An authorisation cannot be suspended for indefinite period and an enquiry has to be held and completed within a period of 90 days from the date of the order of suspension. In the instant case, no enquiry has been initiated since 15-7-2014.

4. Under these circumstances, the order dated 15-7-2014 passed by the 2nd respondent is suspended and the respondents are directed to allot the essential commodities to the fair price shop of the petitioner. However, the respondents can proceed with the enquiry, if

The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

18th February, 2015.
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18th February, 2015.
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