

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17009 of 2015

DATED 15TH JUNE, 2015

BETWEEN

E. Rami Reddy

...Petitioner

And

The State of Telangana,

Rep. by its Principal Secretary,

Consumer Affairs, Food and Civil Supplies Department,

Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17009 of 2015

ORDER:

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

The petitioner was appointed as a Fair Price Shop Dealer of shop No. 26 of Pullanarayanaplli village, Tadimarri Mandal, Ananthapur District. A show cause notice was issued on 16.04.2015 alleging that the petitioner was distributing commodities to the persons who are not residing in the village. The petitioner submitted his explanation on 19.04.2015. After receipt of the same, the third respondent passed an order on 28.04.2015 suspending the authorization of the petitioner pending further enquiry. Challenging the same, the present Writ Petition is filed.

The only allegation against the petitioner is that the petitioner is distributing the commodities to the nine persons who are not residing in the village. In the explanation submitted by the dealer/petitioner, it is stated that the said persons have migrated to other villages for their livelihood, but they have been receiving the commodities from the said fair price shop. After receipt of the above explanation, the third respondent called for a report from the Tahsidlar, who submitted a report stating that the explanation given by the dealer was not satisfactory. The third respondent is expected to have conducted an enquiry after receipt of the explanation from the petitioner instead of calling for a report from the fourth respondent and thereafter if he thought it fit, suspended the authorization of the petitioner pending enquiry. After completion of enquiry as well as receipt of explanation from the petitioner, the third respondent should come to a prima facie conclusion. The impugned order can be viewed from another angle also. Since the allegation made against the petitioner is that he is distributing the commodities to the persons who are not residing in the village, an enquiry can be conducted even without suspending the authorization of the petitioner inasmuch as there is no scope for manipulation of the records. Suspension of authorization at this stage would have serious consequences in respect of allegations like this. Having regard to these facts and circumstances of the case, this Court is of the opinion that it is not a fit case to exercise the power by third respondent to suspend the authorization of the petitioner pending enquiry. In view of the same, the order dated 28.4.2015 issued by the third respondent suspending the authorization of the petitioner is set aside. However, the third respondent is at liberty to conduct enquiry with regard to the allegations made against the petitioner and pass final order within a period of three months from the date of receipt of a copy of

this order by duly observing the principles of natural justice and affording opportunity to the petitioner.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 16TH JUNE, 2015.
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