

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 27178 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 362 of Doob Bowli, Hyderabad. His authorization is valid upto 31.3.2017. While so on 25.5.2015 the Checking Inspector of the office of the Assistant Supply Officer, Circle III, Hussaini Alam, Hyderabad inspected the fair price shop of the petitioner and found that a benami was running the fair price shop instead of the petitioner. Based on the same, a report was submitted to the second respondent, who thereafter issued a show cause on 25.5.2015. On the same day itself, the authorization of the petitioner was suspended pending enquiry while tagging on the subject fair price shop to nearby fair price shop in order to avoid inconvenience to the card holders. Challenging the impugned order dated 25.5.2015, the present Writ Petition is filed.

The petitioner was running the fair price shop for the last 23 years and his authorization was renewed from time to time and lastly it was renewed upto 31.3.2017. It is stated that he has undergone by-pass surgery in the year 2013 and is now under constant medical check up. The authorization of the petitioner was suspended pending enquiry on the ground that on the date of inspection, the fair price shop was being run by a benami and not by the petitioner. When the fair price shop is

not being run by the dealer, this Court is of the opinion that the said allegation can be enquired into even without cancelling the authorization inasmuch as there is no scope for tampering the records during the course of enquiry. In the circumstances, suspension of authorization of the petitioner by impugned order dated 25.5.2015 is set aside. Since the petitioner has already submitted his explanation on 3.6.2015, the second respondent is directed to conduct an enquiry in respect of the allegation levelled against petitioner and complete the same by duly observing the principles of natural justice and thereafter pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

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.

JUSTICE A. RAMALINGESWARA RAO

DATED 26th August, 2015.
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