

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.10422 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the 3rd respondent in suspending the authorization of the petitioner *vide* proceedings dated 1.4.2015, as illegal and arbitrary.

Petitioner is the dealer of fair price shop No.31, Kovaramguttapalli Village, Simhadripuram Mandal, YSR Kadapa District. The Enforcement Deputy Tahsildar, Jammalamadugu, inspected fair price shop of the petitioner, verified the stock and found certain variations. Thereafter, the 3rd respondent issued show cause notice to the petitioner, for which, he submitted his explanation. The 3rd respondent *vide* proceedings dated 5.11.2014 suspended the authorization of the petitioner. Subsequently, 3rd respondent after considering the explanation submitted by the petitioner, kept the suspension order dated 5.11.2014 in abeyance. Again, the 3rd respondent on the very same charges, *vide* proceedings dated 1.4.2015 suspended the authorization of the petitioner.

Learned counsel appearing for the petitioner submits that the 3rd respondent having considered the explanation of the petitioner kept the order of suspension in abeyance, but for the reasons best known to him, he again issued the impugned proceedings dated 1.4.2015, which is not in accordance with law.

A perusal of the impugned order goes to show that the 3rd respondent-Revenue Divisional Officer, has not properly applied his mind to the facts of the case before passing the impugned order.

Having regard to the facts and circumstances of the case, the impugned order 1.4.2015 issued by the 3rd respondent-Revenue Divisional Officer, Jammalamadugu, is hereby suspended. However, this order does not preclude the respondent authorities from conducting regular enquiry and passing final order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

13th April, 2015

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