

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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WRIT PETITION No.16114 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was appointed as a permanent fair price shop dealer of F.P.Shop No.29, Machavaram Village, Kanigiri Mandal, Prakasam District. While so, on 25.11.2014, the Enforcement Deputy Tahsildar, Kanigiri, inspected the shop. At the time of inspection, the petitioner was not present at the shop, and his wife, who was present, produced all records for verification. It is stated by the petitioner that the Enforcement Deputy Tahsildar, Kanigiri, did not find any variation at the time of inspection but he conducted a panchanama showing variation in stock. A show cause notice was issued by the third respondent on 26.12.2014, on receipt of which, the petitioner submitted a petition on 16.02.2015 requesting to furnish copies of the report. Instead of furnishing copies, the third respondent suspended the authorization of the petitioner by proceedings dated 22.05.2015. Though the petitioner preferred an appeal against the said order, he filed the present Writ Petition challenging the proceedings of the third respondent dated 22.05.2015.

I have perused the order of suspension dated 22.05.2015. It contains three charges. Charge Nos.2 and 3 relate to technical matters, whereas charge No.1 relates to variation of stock. A perusal of the explanation to the said charge extracted in the impugned order reads as if the dealer was female when, in fact, the dealer is a male person. This itself shows non-application of mind by the third respondent. Even otherwise, variation of stock was already recorded and can be enquired into without suspending authorization. Further, the third respondent did not think it fit to suspend authorization at the time of issuing show cause notice and what prompted him to suspend the same after five months is not known.

In the circumstances, this Court is satisfied that suspension of authorization by proceedings dated 22.05.2015 is not warranted, and the proceedings dated 22.05.2015, to the extent of suspending authorization, is set aside. However, the third respondent is at liberty to enquire into the allegations made against the petitioner and complete the same after giving due opportunity to the petitioner, and pass final orders thereon 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.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:09.06.2015

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