

HON'BLE SRI JUSTICE R. KANTHA RAO

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Writ Petition No.4667 of 2015

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ORDER:

This writ petition is filed seeking writ of *Mandamus* declaring the order of the 3rd respondent in issuing the proceedings dated 04.02.2015 suspending the petitioner's authorisation of Fair Price Shop No.39 of Basinepalli Village, Gooty Mandal, Anantapuramu District, for indefinite period without proper reasons and even though the variations and irregularities alleged are very marginal and minor, as illegal and arbitrary and for a consequential direction to the 3rd respondent to permit the petitioner to supply the essential commodities to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies-respondents 1 to 3.

3. The petitioner is the permanent fair shop dealer of Shop No.39, Basinepalli Village, Gooty Mandal, Ananthapuram District. Alleging certain irregularities against the petitioner and on the basis of the report of the 4th respondent dated 26.09.2014, after issuing show cause notice on 31.10.2014, the 3rd respondent passed an order dated 04.02.2015 suspending the authorisation of the petitioner, making an enquiry in to the allegations. Learned counsel appearing for the petitioner submits that the variations pointed out are in permissible limits and the remaining allegations are only general in nature and therefore, the authority ought not to have suspended the authorisation. On the other hand, learned Government Pleader for the Civil Supplies submits that difference of 55 litres of kerosene is not in permissible limits and basing on the other allegations, the authorisation of the petitioner was suspended. It is also argued by the learned counsel appearing for the petitioner that since enquiry was held before passing the impugned order, it amounts to a final order and therefore, nothing remains to be considered. I am not in acceptance with the contention of the learned counsel appearing for the petitioner. Even for passing an order of

suspension, enquiry can be held as per the relevant Control Order. Since it is specifically mentioned in the impugned order that it is only a suspension, this Court considers that the order made is an order of suspension pending enquiry.

4. In view of the judgment of the Division Bench in WAMP No.343 of 2015 in WA No.118 of 2015, this Court is not inclined to examine the reasons for suspension order at this stage.

5. In the aforesaid circumstances, the 3rd respondent-Revenue Divisional Officer, Ananthapuram, is directed to conduct enquiry and pass appropriate final orders, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

R. KANTHA RAO, J

Date: 27.02.2015
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HON'BLE SRI JUSTICE R. KANTHA RAO

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Date: 27.02.2015

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