

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 16442 of 2015

ORDER:

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

2. The petitioner is a Fair Price Shop Dealer of Shop No.8 of Tarigoppula Village, Narmetta Mandal, Warangal District and has been running the shop for the last 25 years. While so, on 29.04.2015 the dealership of the petitioner was temporarily suspended by the 4th respondent on the basis of a report dated 11.04.2015 submitted by the Assistant Supply Officer, Jangaon. It is also the case of the petitioner that 6-A proceedings are initiated in respect of variation in the stock of sugar and they are pending. A show cause notice was also issued to the petitioner on the date of suspension i.e., 29.04.2015 showing 448 kgs of less sugar and including some technical issues in the show cause notice. The dealer submitted his explanation immediately after receipt of the show cause notice. The 3rd respondent also issued an order on 02.05.2015 directing the Tahsildar, Narmetta Mandal, 5th respondent, to dispose off the seized stock by allotting to the regular dealers of the fair price shops. Challenging the orders of the 3rd respondent as well as the 4th respondent, the present writ petition is filed.

3. I have perused the impugned orders which disclose that the value of the seized stock is of Rs.201/- only. It is not known why the PDS rice and kerosene oil are seized when there is no variation in respect of those items. It was noticed that there is 99.11% variation in respect of sugar and the value of such sugar is stated to be Rs.27/- only. The ground balance of sugar detected on 11.04.2015 was

4 packets. Be that as it may, in view of pendency of the 6-A proceedings, the 3rd respondent is directed to release the seized stock on condition of the dealer paying the said amount of Rs.201/-. However, the 6-A proceedings initiated by the 3rd respondent may go on and may be completed within a period of three months from

the date of receipt of a copy of the order after observing the principles of natural justice.

4. A show cause notice was issued on the basis of the 6-A proceedings initiated pursuant to the report of the Assistant Supply Officer, Jangaon, dated 11.04.2015. The same allegations with addition of four more technical issues were indicated in the order of suspension dated 29.04.2015 passed by the 4th respondent. Those allegations can be enquired into and a finding can be recorded without suspending the dealership or authorization of the petitioner. In the circumstances, the order of the 4th respondent dated 29.04.2015 to the extent of suspending the authorization of the petitioner is set aside, but giving liberty to the 4th respondent to complete the enquiry against the petitioner and pass final orders thereon within a period of three months from the date of receipt of a copy of the order by observing the principles of natural justice.

5. The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

11th June, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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