

**HON'BLE SRI JUSTICE R. KANTHA RAO**

**W.P.No.3044 of 2015**

**ORDER:**

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 5.

This Writ Petition is filed seeking to declare the action of the 4<sup>th</sup> respondent in not supplying the essential commodities to the petitioner's fair price shop No.4, Sanivada Village, Srikakulam Mandal, Srikakulam District, from August, 2014 till date and suspending the authorization of the petitioner *vide* proceedings dated 15.11.2014 as arbitrary and illegal.

Petitioner is the fair price shop dealer of shop No.4, Sanivada Village, Srikakulam Mandal, Srikakulam District and his authorization is valid till 31.3.2015. According to the petitioner, there was no complaint whatsoever against him during his tenure of 30 years as fair price shop dealer. While so, from August, 2014, essential commodities were not supplied to his fair price shop without there being any complaint or show cause notice. Thereafter, 4<sup>th</sup> respondent *vide* proceedings dated 15.11.2014 suspended the authorization of the petitioner and also issued show cause notice on 18.11.2014, for which he submitted his explanation. But,

so far no final orders have been passed.

The grievance of the petitioner is that the show cause notice was issued with an intention not to renew his licence from 31.3.2015 onwards.

Learned Government Pleader for Civil Supplies, on instructions from the Tahsildar, Srikakulam, submits that the petitioner has committed several irregularities which include not maintaining the key register and lifting the essential commodities and making false entries showing the death and migrated card holders and diverting the commodities to the black market.

The version of the petitioner is that he did not indulge in any irregularities and he is distributing the essential commodities as per the key register.

As per the instructions received from the Tahsildar, it appears that subsequently, the Tahsildar deleted the names of the migrated and dead card holders from the key register. Obviously, though the suspension order was passed on 15.11.2014, so far no enquiry has been initiated against the petitioner. The said suspension order can only be for a definite period not exceeding 90 days.

Under the above circumstances, the Writ Petition is disposed of revoking the suspension order dated 15.11.2014 whereunder the authorization of the petitioner was suspended. The respondents are

directed to continue the petitioner as fair price shop dealer till final orders are passed in the enquiry proposed to be held against the petitioner. There shall be no order as to costs.

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

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JUSTICE R. KANTHA RAO

*18<sup>th</sup> February, 2015*

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