

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.1945 of 2015

ORDER:

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

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the 2nd respondent in suspending the authorisation of the petitioner without mentioning the period of suspension vide proceedings dated 19.01.2015, as illegal, arbitrary and violation of principles of natural justice and to set aside the said proceedings.

3. The petitioner is the Fair Price Shop dealer of Karakampalle Village, Thavanampalle Mandal, Chittoor District. She was appointed as fair price dealer on 28.02.2011. From the date of her appointment, she has been distributing the essential commodities to the cardholders. It is submitted on behalf of the petitioner that basing on the report sent by the 3rd respondent dated 08.01.2015, the 2nd respondent suspended the authorisation of the petitioner and no stocks were released for the months of December, 2014 and January, 2015 and hence, she filed WP No.633 of 2015. This Court by order dated 21.01.2015 passed interim direction to respondents 2 and 3 to allot the essential commodities to the petitioner's Fair Price Shop, but the 2nd respondent by putting anti-date, suspended the authorisation of the petitioner on 19.01.2015. The said order is challenged in the present writ petition.

4. Learned counsel appearing for the petitioner contends that though the suspension order was passed on 19.01.2015, so far

no enquiry was conducted. He relied on a decision in '*U.K. Narasimhulu vs. Joint Collector, Kurnool District*'^[1], wherein the learned single Judge of this Court took a view that the suspension of authorisation has to be for a specified period and the period has to be indicated in the order by the appointing authority depending on the gravity of the matter and the suspension of the authorisation cannot be for an indefinite period. In the said case, the learned single Judge directed the Revenue Divisional Officer to pass an order within two weeks indicating the period of suspension and the suspension against the petitioner shall be confined to a period of two months and after expiry of the same, the petitioner shall be entitled to function as dealer.

5. In the instant case, though the suspension order was passed on 19.01.2015, no final order has been passed by the Revenue Divisional Officer after conducting due enquiry.

6. Learned Government Pleader for Civil Supplies on the other hand contends that there are serious irregularities committed by the petitioner and therefore, the suspension of authorisation is proper.

7. Considering the contentions urged by both sides, this Court is of the view that as the final order has not been passed suspending the authorisation for an indefinite period, the suspension order requires to be revoked. Consequently, the suspension order where under authorisation of the petitioner's dealership was suspended, is revoked. The Revenue Divisional Officer is however, directed to conduct enquiry and pass final orders within two months from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No order as to

costs. The miscellaneous petitions pending, if any, shall stand closed.

R.KANTHA RAO, J

Date: 09.02.2015
BSS

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