

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.13813 OF 2015

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ORDER:

This writ petition was filed by the petitioner alleging that without suspending the petitioner's fair price shop dealership authorization, stocks were not being released for the distribution by the petitioner.

02. The petitioner states that there was an inspection of his shop on 27.07.2014, when the petitioner was absent and the petitioner's relatives were forced to open the lock of fair price shop and stock verification was done in his absence. He contends that a panchanama was prepared on 28.07.2014 with false allegations.

03. In the counter affidavit filed by the respondents, the respondents have stated that after the panchanama was prepared on 28.07.2014, a show cause notice dt 31.07.2014 was also issued to the petitioner for disciplinary action, which was acknowledged by the petitioner and that the authorization of the petitioner was suspended on 31.07.2014 itself. It is also stated that after the suspension of the fair price shop dealership of the petitioner, alternate arrangement was made by attaching the cards attached to fair price shop of the petitioner to the nearby fair price shop dealer, who is distributing the essential commodities without causing any interruption to the public distribution system. It is also pointed out that the petitioner has not filed appeal before the Collector (CS) Prakasam District and that he had also not chosen to submit any explanation or availed opportunity for personal hearing in the show cause notice. It was pointed out that the authorization of the petitioner was valid only up to 31.03.2014 and that the petitioner has no legitimate right to seek continuance his dealership.

04. During the course of hearing of this matter, learned counsel for the petitioner has brought to my notice the fact that on 25.08.2015 the petitioner has submitted his explanation to the show cause notice.

05. In this view of the matter, the 2nd respondent is directed to complete the enquiry into the allegations against the petitioner within a period of two months from the date of receipt of a copy of this order.

06. Learned counsel for the petitioner assures full cooperation from the petitioner in the enquiry before the 2nd respondent. Subject to the petitioner having subsisting authorization as a fair price shop dealer as on date, the respondents might consider releasing the stocks to the petitioner, subject to the result of the enquiry to be made by the 2nd respondent.

07. Accordingly, the Writ Petition is disposed of. No costs.

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

M.S. RAMACHANDRA RAO, J

Dt.20-11-2015

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