

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.6170 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the 3rd respondent in suspending the authorization of the petitioner *vide* order dated 11.02.2015, as arbitrary and illegal.

The petitioner is the dealer of fair price shop No.33, Chapiri Village, Kalyandurg Mandal, Ananthapur District. While so, on 17.11.2014, the Mandal Revenue Inspector, Kalyandurg, inspected the fair price of the petitioner, noticed certain irregularities, found variations in the stock and submitted report to the 4th respondent, based on which, show cause notice was issued to the petitioner, for which, he submitted his explanation. Being not satisfied with the same, the impugned order dated 11.02.2015 was passed suspending the authorization of the petitioner.

Learned counsel appearing for the petitioner submits that the authorization of the petitioner was suspended for an indefinite period, which is

unsustainable in law. He further submits that the alleged variation is within the permissible limits and no panchanama was conducted at the time of seizure.

On the other hand, learned Government Pleader for Civil Supplies submits that the variations in regard to wheat and oil are not within the permissible limits and therefore, the impugned suspension order is sustainable.

In view of the order of Division Bench of this Court in WAMP No.343 of 2015 in WA No.118 of 2015, I am not inclined to go into the merits of the case. In any way, as the suspension order was passed pending enquiry, the 3rd respondent is directed to conduct enquiry and pass final order, within a period of three months from the date of receipt of a copy of this order, failing which, the authorization of the petitioner shall stand restored.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE R. KANTHA RAO

11th March, 2015
rkk

