

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 16197 of 2015

DATED 10TH JUNE, 2015

BETWEEN

D.N. Pochaiah

...Petitioner

And

The State of Telangana, rep. by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 16197 of 2015

ORDER:

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

The petitioner is appointed as a Fair Price Shop Dealer to shop No. 315, Madhuranagar, Neredmet, Malkajigiri, Ranga Reddy District under the Physically Handicapped quota. The authorization of the petitioner was valid up to 31.3.2015 and the petitioner submitted an application for renewal on 5.3.2015. While so, on 25.5.2015 the fourth respondent inspected the shop of the petitioner and verified the book balance, ground stock, stock register and could not find any variation. However in the panchanama prepared by him, it was alleged that the fair price shop was being run by one Saibaba instead of the petitioner. Based on the same, the authorization of the petitioner was suspended by impugned proceedings dated 27.5.2015 on the ground that the fair price shop was being run by a benami person instead of the petitioner, who is an authorized dealer.

The learned Counsel for the petitioner submits that the petitioner is a handicapped person and he met with an accident on the same day at about 11.56 AM and produced a copy of the out-patient card issued by the Medicity Institute of Medical Sciences & Hospital, at Ghanapur Village, Medchal Mandal, Ranga Reddy District in support of his contention.

Having perused the material on record, this Court prima facie satisfied with the said explanation and even otherwise also the fact that whether the shop is being run by the benami person or the authorized dealer can be verified without suspending the authorization. In these circumstances, the impugned order dated 27.05.2015 issued by the second respondent is set aside to the extent of suspending the authorization of the petitioner. However, the second respondent is at liberty to conduct enquiry with regard to conduct of the fair price shop in question by the benami person as alleged against the petitioner in the impugned proceedings dated 27.5.2015. The second respondent is directed to complete the enquiry within three months from the date of receipt of a copy of this order by duly observing the principles of natural justice and in accordance with law.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 10TH JUNE, 2015.

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