

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.2628 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's fair price shop No.04, Bhatrupalem Village, Dachepalli Mandal, Guntur District, as illegal and arbitrary.

The petitioner is the fair price shop dealer of shop No.04, Bhatrupalem Village, Dachepalli Mandal, Guntur District. While so, the Deputy Thasildar, Dachepalli, inspected the shop of the petitioner and found that the essential commodities are being supplied through old kata, the measurements stones were not duly renewed by the Weights & Measurement Department; he has not affixed the flexi board regarding fair price shop particulars and not followed the working hours of the fair price shop as prescribed by the Government. Based on the report of the 4th respondent, the 3rd respondent suspended the authorization of the petitioner *vide* proceedings dated 20.08.2014, for which he submitted his explanation stating that at the time of inspection, kata papers were sent for renewal and he is running the fair price shop for the last

20 years without any complaint.

Learned counsel appearing for the petitioner submits that without conducting any enquiry, the 3rd respondent suspended the authorization of the petitioner. He further submits that the departmental enquiry has to be completed within a period of 90 days and the authorization of the fair price shop dealer cannot be suspended indefinitely.

In W.P.No.35003 of 2013, learned Single Judge of this Court by following some earlier judgments, took the view that the maximum period of suspension of the authorization of a dealer can be for 90 days and if the proceedings are not concluded within 90 days, the suspension order has to be revoked or set aside.

In view of the same, the order suspending the authorization of the petitioner stands revoked and the petitioner shall be permitted to continue as fair price shop dealer for shop No.04, Bhatrupalem Village, Dachepalli Mandal, Guntur District.

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

10th February, 2015
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