

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 15862 OF 2015

DATED 8TH JUNE, 2015.

BETWEEN

D.Krishna

...Petitioner

And

State of Telangana, rep. by its

Principal Secretary, Civil Supplies Department,

Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 15862 OF 2015.

ORDER:

-

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

The petitioner is a permanent Fair Price Shop dealer of Shop No. 16 of KT Doddi Village, Gattu Mandal, Gadwal Division of Mahabubnagar District. On the

basis of the report of the fifth respondent, the third respondent issued a show cause notice on 23.04.2015, to which, the petitioner submitted his explanation on 28.04.2015. Thereafter, the authorization of the petitioner is suspended by proceedings dated 16.05.2015 stating as under:

“ In view of the above references cited, a show cause notice was issued vide reference 3rd cited to Sri D.Krishna, Fair Price Shop dealer of KT Doddi Village of Ghattu Mandal calling his explanation. In response to the show cause notice, the FP Shop dealer has submitted his explanation vide reference 4th cited. The explanation submitted by the FP shop dealer found not convincing and satisfactory.

Hence, the authorization of Sri D.Krishna, Fair Price Shop dealer of KT Doddi village of Ghattu Mandal is hereby suspended, pending for further enquiry with immediate effect and Tahsildar, Ghattu is hereby directed to make alternate arrangements for smooth distribution of essential commodities in the village”

It is not known as to why the third respondent has asked for explanation of the petitioner when the explanation of the petitioner was not considered properly and authorization was suspended on the ground that the explanation was not '*convincing and satisfactory*'. When the explanation was called for from the petitioner, the third respondent should have considered the same and should have come to prima facie conclusion for taking decision suspending the authorization of the petitioner. In the absence of such conclusion, it is difficult to appreciate the action taken by the third respondent for suspension of the dealership of the petitioner.

In the circumstances, the proceedings dated 16.05.2016 insofar as the suspension of the dealership of the petitioner is concerned are suspended, by giving liberty to the third respondent to proceed further against the enquiry initiated against the petitioner, in accordance with law and complete the same within a period of three months from the date of receipt of a copy of the order.

The Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

-

-

JUSTICE A.RAMALINGESWARA RAO

Dated 8TH JUNE, 2015.

Msnr_x