

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

WRIT PETITION NO.37695 OF 2015

**ORDER:**

1. This Writ Petition is filed challenging the proceedings dated 20.08.2015 of the second respondent suspending petitioner's fair price shop dealer authorization.

2. Counsel for the petitioner contends that even though substantial time has elapsed since that date, not even a show cause notice has been given to the petitioner till date. He submits that the action of the respondents in keeping the petitioner's fair price shop dealer authorization under suspension without even issuing a show cause notice mentioning the allegations against the petitioner for more than two and a half months is arbitrary, illegal and unsustainable. He also relies on the judgments in **M.Venkata Ramaiah v. Joint District Collector (CS), Anantapur District and others** and **D.Sambasiva Rao v. Joint Collector, Guntur and others**, wherein it is held that the maximum period of suspension of authorization of a dealer can be only for a period of ninety (90) days.

3. In **B.Venkata Ramakrishna Rao Gupta v. State of A.P.**, this Court considered the above decisions and held that an order of suspension cannot be allowed to continue indefinitely and if it happens, it indicates lack of fair play and amounts to arbitrariness. I, therefore, held that keeping the dealership of petitioner under suspension without issuing even a show cause notice would practically amount to cancelling his dealership.

4. Therefore, Writ Petition is allowed and the order dated 20.08.2015 in Rc.B.781/2015 dated 20.08.2015 of the second respondent is set aside and it is directed that the petitioner be continued as a fair price shop dealer and permitted to distribute essential commodities in his fair price shop. However, this will not preclude the respondents from issuing appropriate show cause notice inviting explanation from the petitioner and passing orders on the allegations against the

petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

---

**(M.S.RAMACHANDRA RAO, J)**

20<sup>th</sup> November 2015

RRB