

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27453 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the impugned proceedings in Rc.No.4503/2014-B dated 19.07.2016 issued by the second respondent, as illegal, arbitrary and without jurisdiction.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Andhra Pradesh).

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of Shop No.01 of Agnigundala Village, Ipur Mandal, Guntur District in the year 2004. It is the case of the petitioner that she has been distributing the essential commodities to the card holders without any complaint whatsoever. While so, on 14.01.2016, the Assistant Supplies Officer, Narasaraopet, Civil Supplies Deputy Tahsildar, Vinukonda and the Village Revenue Officer, Agnigundala Village, inspected the fair price shop of the petitioner and found variation in the stock. On 25.01.2016, the second respondent issued a show-cause notice calling for the explanation of the petitioner with regard to the variation in the stock. Being not satisfied with the explanation submitted by the petitioner, the second respondent suspended her authorization in respect of Fair Price Shop No.01 on 19.07.2016.

4. The contention of the learned counsel for the petitioner is that the respondents initiated enquiry without following due procedure.

5. *Per contra*, the learned Assistant Government Pleader for Civil Supplies submitted that the petitioner contravened the provisions of A.P.Public Distribution System (Control) Order, 2008; therefore the order passed by the second respondent is sustainable either on facts or in law.

6. At the time of argument, the learned counsel for the petitioner submitted that the second respondent may be directed to dispose of the enquiry pending against the petitioner as expeditiously as possible. The learned Assistant Government Pleader for the respondents also consented for the same.

7. In view of the submissions made by learned counsel for both parties, this Court is not inclined to go into the merits of the main case.

8. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both parties, the second respondent is hereby directed to dispose of the enquiry pending against the petitioner, after affording a reasonable opportunity to her to put forth her stand, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order, failing which, the second respondent is further directed to restore the authorization of the petitioner in respect of Fair Price Shop No.01 of Agnigundala Village, Ipur Mandal, Guntur District.

9. With the above direction, the Writ Petition is disposed of.
No costs.

10. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 17.08.2016

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