

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.19678 of 2016

ORDER

This writ petition is filed seeking to declare the action of the respondents in not releasing the essential commodities to the petitioner's fair price shop No.19 of Paletipadu (V), Jarugumalli (M), Prakasam District, as arbitrary and illegal and to direct the respondents to continue the petitioner as fair price shop dealer.

Petitioner was appointed as dealer of fair price shop No.19, situated at Paletipadu Village, Jarugumalli Mandal, Prakasam District in 2007 and his authorization was renewed from time to time. While so, on 03.06.2016, Civil Supplies Enforcement Officers-cum-Vigilance Officers inspected the fair price shop of the petitioner and seized the stocks on the allegation of variation in the stocks of rice, sugar and kerosene.

Learned counsel appearing for the petitioner submits that the authorization of the petitioner is neither suspended nor cancelled and it is still in subsistence. He further submits that the alleged variation has been recorded in the panchanama only. He also submits that if physical weighment is made, there would not be any excess stock in fact in the seized stock, some of the bags contain less stocks.

Further, he disputed the service of impugned suspension order dated 16.6.2016 on the petitioner.

Learned Government Pleader for Civil Supplies produced proceedings dated 16.6.2016 of the 3rd respondent-Revenue Divisional Officer, Kandukur. It shows that the petitioner received the order impugned on 20.6.2016.

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies.

It appears that the said communication bears the signature of the petitioner, which is prima facie, tallying with the signature affixed on the representation submitted by the petitioner to the Joint Collector on 22.6.2016. Hence, there is no necessity for this Court to disbelieve the submission of the learned Government Pleader that the impugned order was served. It is possible that the petitioner might not have informed his counsel while drafting the writ petition which came to be filed on 20.6.2016. However, one aspect of the matter needs to be noticed here. The petitioner made a specific request to the Joint Collector as well as Revenue Divisional Officer to physically weigh the seized stock as the seizure has been effected not based on the weighment, but it is recorded only in the list.

Considering the submission made by the learned counsel appearing for the petitioner that truth would come if the seized stocks are weighed physically as there was no variation, the 3rd respondent is directed to issue notice to the petitioner for physical verification and weighment. As the enquiry proceedings have already been initiated, the enquiry shall be completed as expeditiously as possible after taking into consideration the explanation that may be submitted by the petitioner after physical verification and weighment of seized stock.

Subject to the above, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

28th June, 2016
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