

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21182 of 2016

ORDER:

The petitioner is the fair price shop dealer of shop No. 1, Nallisetipalle Village, Thavanampalle Mandal, Chittoor District. His authorization was suspended pending inquiry, vide proceedings, dated 26.05.2016 of the 3rd respondent Revenue Divisional Officer, Chittoor alleging that there is variation (shortage) in certain stock and that the petitioner has been diverting the said stock to black-market. Hence, the petitioner filed the present Writ Petition seeking to set aside the said order on the ground of it being illegal and arbitrary.

Learned counsel for the petitioner would submit that the petitioner has received the stock less in weight, as is evident from the receipt of weighment, which was conducted before the M.P.T.C. as well as the Route Officer. To substantiate his contention, the learned counsel places reliance upon the weight check memo, wherein the rice was weighed as 7754 Kgs. and the impugned order, wherein the allocation of rice for the month has been shown as 7755 Kgs. Emphasizing this defect, the learned counsel points out that the impugned order has emerged on account of the political influences.

Heard learned Government Pleader for Civil Supplies (Andhra Pradesh).

On the one hand, a perusal of the impugned order reveals that there is certain variation in the stock available with the petitioner. On the other, the case of the petitioner is that he has received the stock with less weight and he produced the weight check memo to that effect. Whether the petitioner has received the stock in full or not, is a pure question of fact, which can only be decided during the course of inquiry. Admittedly, the variation pointed out is beyond the permissible limits prescribed under the Control Order. In these circumstances and also in view of the fact that the authorization of the petitioner was suspended pending inquiry, this Court is of the opinion that the

interests of justice would be better served if a direction is issued to the 3rd respondent to complete the inquiry in a fixed time-frame.

The Writ Petition is therefore, disposed of directing the 3rd respondent to conduct and complete the inquiry, keeping in view the principles of natural justice and taking into account and consideration the material that might be placed before him during the course of inquiry, within a period of three weeks from the date of receipt of a copy of this order. The petitioner is, however, at liberty to place the relevant material and also examine the M.P.T.C. and the Route Officer concerned before the 3rd respondent Inquiry Officer. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

4th July 2016

Issue CC in two days.
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