

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26942 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction of respondent Nos.3 and 4 in supplying the essential commodities to the petitioner's Fair Price Shop No.2236065 at Door No.1-11, Khanapuram Haveli Village, Khammam (Urban) Mandal, Khammam District, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (Telangana).

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of Shop No. 2236065 at Door No.1-11, Khanapuram Haveli Village, Khammam (Urban) Mandal, Khammam District 35 years back. It is the case of the petitioner that he has been distributing the essential commodities to the card holders without any complaint whatsoever. While so, on 08.07.2016, the Deputy Tahsildar (CS), Khammam (Urban) Mandal visited the fair price shop of the petitioner and found variation of rice to the extent of 2.86 quintals. Basing on the report submitted by the Deputy Tahsildar (CS), Khammam (Urban) Mandal, the third respondent issued a show-cause notice dated 04.08.2016 calling for the explanation of the petitioner. Without submitting the explanation to the third respondent, the petitioner approached this Court and filed the present writ petition. A perusal of the record reveals that the authorization of the petitioner was suspended.

4. Whether the petitioner has contravened the provisions of A.P.Public Distribution System (Control) Order, 2008 or not is purely a disputed question of fact, which cannot be gone into while exercising

the jurisdiction under Article 226 of the Constitution of India. The fact remains that the enquiry is pending before the third respondent.

5. At the time of argument, the only relief sought by the learned counsel for the petitioner is to direct the third respondent to dispose of the enquiry pending against the petitioner as expeditiously as possible.

6. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both parties, the third respondent is hereby directed to dispose of the enquiry pending against the petitioner, after affording a reasonable opportunity to him to put forth his stand, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order, failing which, the third respondent is further directed to restore the authorization of the petitioner in respect of Fair Price Shop No.2236065 at Door No.

1-11, Khanapuram Haveli Village, Khammam (Urban) Mandal, Khammam District.

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

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

T.SUNIL CHOWDARY, J

Date: 16.08.2016
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