

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28686 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the second respondent in suspending the authorization of the petitioner, as illegal and arbitrary.

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

3. The petitioner was appointed as Fair Price Shop dealer in respect of shop No.106 of Kakinada Urban in the year 2009. 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 15.7.2016, the third respondent visited the shop of the petitioner and submitted a report to the second respondent alleging some irregularities against the petitioner. The second respondent, in turn, passed the impugned order dated 15.7.2016 in proceedings No.Ref/D/1624/2016 suspending the authorization of the petitioner in respect of Shop No.106/Kakinada Urban/2009 on the ground that the petitioner has contravened the provisions of Andhra Pradesh Public Distribution System (Control) Order, 2008 (the Control Order).

4. Whether the petitioner has contravened the provisions of the Control Order or not is a disputed question of fact, which cannot be gone into while exercising the power under Article 226 of the Constitution of India. Admittedly, the enquiry is pending against the petitioner under Sub-clause (5) of Clause 5 of the Control Order before the second respondent. At the time of hearing, the only relief sought by the learned counsel for the petitioner is that the second respondent may be directed to dispose of the enquiry as early as possible. The learned Assistant Government Pleader also consented for the same.

5. Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for both the parties, the second respondent is directed to complete the enquiry pending against the petitioner, after affording reasonable opportunity to the petitioner to put-forth her stand, and pass appropriate orders in accordance with law. This exercise may be completed within a period of two months from the date of receipt of a copy of this order, failing which the second respondent shall restore the authorization of the petitioner in respect of shop NO.106/Kakinada Urban/2009.

6. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

(T.SUNIL CHOWDARY, J)

August 26, 2016.

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