

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7343 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents and with their consent the writ petition is disposed of at the admission stage.

The case of the petitioner is that she was appointed as Fair Price Shop Dealer for Shop No.17, Bukkarayasamudram Village and Mandal, Anantapuramu District, in the year 1997 on permanent basis and she is distributing the essential commodities without any remarks whatsoever. While so, on a report dated 10.02.2016 submitted by the 3rd respondent-Tahasildar, Bukkarayasamudram Mandal, the 2nd respondent issued a show cause notice dated 12.02.2016 calling for her explanation. The petitioner submitted her explanation immediately on 17.02.2016. Thereafter, 2nd respondent has issued proceedings dated 22.02.2016 suspending the authorization of the petitioner on the following allegations.

- i) On physical verification of the ECs in the premises of FP Shop and found the difference is stocks. Thereby the FP Shop dealer has violated Clause 17 (b) (c) of APSPDS Control Order, 2008.
- ii) The FP Shop dealer has not been residing in the village. Thereby the FP Shop dealer is violated Clause 2 (1) (a) of Annexure-I of APSPDS Control Order, 2008.
- iii) The FP Shop dealer has not take release order from any officer of Tahsildar Office for distribution of ECs. Thereby the FP Shop dealer is violated APSPDS Control Order, 2008.

Having perused the records, one serious issue in this case is the very conduct of the respondent authorities of breaking open the premises of the petitioner under the cover of panchanama. Prima facie there is no power vested with the authorities to break open and forcibly

enter into the locked premises. In that view of the matter, petitioner is entitled to raise this ground before the authorities. However, considering the fact that it is only a suspension pending enquiry and the stock variation alleged against the petitioner is huge, I am not inclined to entertain the writ petition at this stage. In that view of the matter, the respondent authorities are directed to complete the enquiry within four weeks from the date of receipt of a copy of this order by duly following the principles of natural justice and affording an opportunity of hearing to the petitioner and pass final orders.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

8th March, 2016
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