

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10738 of 2016

DATED 01ST APRIL, 2016

BETWEEN

Bestha Anand

....Petitioner

And

State of Andhra Pradesh,
Rep. by its District Collector (CS),
Ananthapuram District, Ananthapuramu and ors

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10738 of 2016

ORDER:

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The order of the second respondent dated 14.03.2016 suspending the authorization of the petitioner pending enquiry is challenged in the instant Writ Petition.

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 45 of Maddalapalli Village, Venkatampalli Post, Narpala Mandal, Ananthapuram District. While so, based on the report submitted by the fourth respondent, the second respondent issued a show cause notice on 25.01.2016, to which, the petitioner has submitted his explanation on 29.1.2016. Dissatisfied with the same, the second respondent passed order dated 14.03.2016 suspending the authorization of

the petitioner, pending enquiry. Hence the present Writ Petition.

The learned Counsel for the petitioner apart from advancing arguments on merits, had pointed out that on two earlier occasions, the petitioner approached this Court alleging malafides against the incumbent of the second respondent. The allegations made against the petitioner in the show cause notice are with respect to variation in stock. As can be seen from the show cause notice dated 25.01.2016, there exists more variation in the stock as against the permissible limit of 1.5%. However, considering the fact that the petitioner was made to run to this Court repeatedly and that the same incumbent of the second respondent without considering the explanation submitted by the petitioner in proper perspective passed the impugned order dated 14.03.2016 suspending the authorization of the petitioner by writing six pages order, the allegations of malafide made against the said incumbent cannot be ruled out. Inasmuch as the incumbent officer of the second respondent has been transferred and a new incumbent has taken charge, interests of justice would be served if the second respondent is directed to complete the enquiry and pass appropriate orders after considering the explanation submitted by the petitioner in proper perspective and affording an opportunity of being heard to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly the Writ Petition is disposed of. However it is made clear that inasmuch as the petitioner has made out a case of malafide exercise of power by the second respondent in passing the impugned order suspending the authorization of the petitioner, the operation of the impugned order dated 14.03.2016

is stayed till appropriate orders are passed as directed supra.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 1ST APRIL, 2016.

Msnr_x