

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19515 OF 2016

ORDER:

This Writ Petition has been filed seeking a *mandamus* to declare the order dated 28.05.2016 passed by the 2nd respondent Revenue Divisional Officer, Anantapur, as illegal and arbitrary.

Through the order impugned, the authorization of the petitioner to run fair price shop No. 57, Guntakal Town and Mandal, Anantapur District, was suspended pending inquiry. Prior thereto, the petitioner was issued a show cause notice dated 21.03.2016, on certain charges, for which, she has also submitted the explanation. The petitioner complains that the 2nd respondent ought to have given a quietus to the matter by passing the final orders, after considering her explanation.

Heard learned counsel for the petitioner.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) submits that the show cause notice dated 21.03.2016 itself has been issued calling for the explanation as to why the petitioner's authorization should not be suspended pending inquiry for the irregularities reported against her. Hence, the impugned order does not suffer from any illegality and at any rate, if the petitioner is aggrieved thereby, she has a remedy of Appeal to avail.

The material available on record, *prima facie*, shows that there is variation in the stock vis-à-vis the stock register. Apart from that, other charges have also been made against the petitioner. Considering all the circumstances, the 2nd respondent suspended the authorization of the petitioner pending inquiry.

Since the matter involved disputed questions of fact and in view of the fact that there being a remedy of Appeal available to the petitioner, before the Joint Collector, the Writ Petition is disposed of giving her liberty to avail the said remedy. If such an Appeal is filed within two weeks from the date of receipt of a copy of this order, the Joint Collector concerned shall consider and dispose it of within two

weeks thereafter. No costs.

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

CHALLA KODANDA RAM, J

20th June 2016

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