

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24342 of 2016

ORDER:

1 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 fair price shop dealer by issuing proceedings in Rc.No.2587/2016/B, dated 14.07.2016 as illegal and arbitrary.

2 Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies.

3 A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer for shop No.23 of Kusumavaripalli village, OD Cheruvu Mandal, Anantapuram District in the year 1995. The further case of the petitioner is that he has been distributing essential commodities to the cardholders without any complaint whatsoever. While so, on 26.06.2016 the third respondent inspected the shop of the petitioner and found some variation of stock. Basing on the report submitted by the third respondent, the second respondent suspended the authorization of the petitioner on 14.07.2016.

4 The contention of the learned Assistant Government Pleader is that the petitioner has contravened the provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008.

5 Both counsel, in one voice, submitted that proceedings under Section 6-A of the Essential Commodities Act 1955 are pending before the second respondent. In that view of the matter, if this Court expresses any opinion touching the merits of the case, it may cause prejudice to the rights of one of the parties to the proceedings.

6 At the time of arguments, the learned counsel for the petitioner requested this Court that the second respondent may be directed to dispose of the enquiry proceedings initiated against the petitioner. The

learned Assistant Government Pleader also consented for the same.

7 Having regard to the facts and circumstances of the case, the second respondent is hereby directed to complete the enquiry under Section 6-A of the Essential Commodities Act 1955 initiated against the petitioner as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order, in accordance with law. However, it is made clear that if the second respondent fails to complete the enquiry within six weeks, as stipulated above, the authorization of the petitioner as fair price shop dealer shall be restored.

8 With the above direction, this Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 9th August, 2016

Kvsn