

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27983 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the proceedings in Ref. A.551/2016, dated 27.06.2016 issued by the third respondent in suspending the authorization of the petitioner as fair price shop dealer, as illegal and arbitrary.

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

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of Shop No.62 of L.Kothuru Village, Tuni Mandal, East Godavari District on permanent basis. 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 07.06.2016, the fifth respondent visited the fair price shop of the petitioner, verified the stock, and found there is a variation in the stock. On 08.06.2016, the fifth respondent submitted a report to the third respondent, who in turn issued a show-cause notice calling for the explanation of the petitioner. Being not satisfied with the explanation submitted by the petitioner, the third respondent suspended her authorization in respect of Fair Price Shop No.62 on 27.06.2016 and initiated enquiry.

4. The contention of the learned counsel for the petitioner is that the respondents initiated enquiry against the petitioner at the instance of some of the villagers.

5. *Per contra*, the learned Assistant Government Pleader for Civil Supplies submitted that the petitioner has violated the provisions of A.P.Public Distribution System (Control) Order, 2008; therefore the suspension order passed by the third respondent is legally

sustainable.

6. Whether the petitioner has contravened the provisions of A.P.Public Distribution System (Control) Order, 2008 or not is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India. If this Court expresses any opinion touching the merits of the main case, the same may cause prejudice to one of the parties to the proceedings in view of pendency of enquiry against the petitioner before the third respondent.

7. At the time of argument, the learned counsel for the petitioner submitted that the third respondent may be directed to dispose of the enquiry pending against the petitioner as expeditiously as possible. The learned Assistant Government Pleader for the respondents also consented for the same.

8. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both parties, the third respondent is hereby directed to dispose of the enquiry pending against the petitioner, after affording a reasonable opportunity to her to put forth her stand, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order, failing which, the third respondent is further directed to restore the authorization of the petitioner in respect of Fair Price Shop No.62 of L.Kothuru Village, Tuni Mandal, East Godavari District.

9. With the above direction, the Writ Petition is disposed of.
No costs.

10. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 22.08.2016
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