

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12228 OF 2016

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ORDER:

This writ petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in suspending the Fair Price Shop authorization of the petitioner vide proceedings No.D/1395/2016-2, dated 30.03.2016, without considering the explanation of the petitioner and without giving any opportunity of being heard to the petitioner, as illegal and arbitrary and for a consequential direction to the respondents to continue the supply of the essential commodities to the petitioner's fair price shop.

Learned counsel for the petitioner submits that the alleged variations are within permissible limits, as such the same does not warrant suspension of petitioner's fair price shop authorization. He also submits that the suspension order does not indicate that it is pending enquiry. He also relied on the order dated 15.07.2014 passed by this Court in WP.No.19662 of 2014.

Heard learned Assistant Government Pleader for Civil Supplies.

In this case, admittedly, show cause notice was issued, and before submission of explanation by the petitioner his authorization was suspended and the suspension order does not indicate that it is pending enquiry. By way of punishment, it can be passed only after considering the explanation of the petitioner. As such, the impugned order is liable to be set aside.

In view of the same, the impugned order dated 30.03.2016

passed by the 2nd respondent is set aside and the petitioner is entitled to receive the essential commodities for supply to the cardholders, as long as his authorization is valid and subsisting. However, this will not preclude the competent authority from passing appropriate order as per control order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.04.2016
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