

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.34614 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of second respondent in suspending the authorization of the petitioner as fair price shop dealer as illegal and arbitrary.

2. Heard Sri K.Venumadhav, learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Telangana) representing the respondents 1 to 3.

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of Shop No.1611 of Molangur village, Shankarapatnam Mandal, Karimnagar District, long back. 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 12.08.2016, the Deputy Tahasildar (Civil Supplies), Huzurabad, visited the shop of the petitioner and found some variation. Basing on the report submitted by the Dy.Tahsildar, the second respondent-Revenue Divisional Officer issued a show cause notice on 26.08.2016 calling for the explanation of the petitioner. The petitioner submitted a detailed explanation to the show cause notice dated 26.08.2016. The second respondent suspended the authorization of the petitioner on the same day, i.e. 26.08.2016.

4. The contention of the learned counsel for the petitioner is that the petitioner has not contravened the provisions of the Essential Commodities Act and the Control Order 2008. The contention of the learned Assistant Government Pleader is that the petitioner has contravened the provisions of the control order, therefore, the second respondent is justified in suspending the authorization of the petitioner. Whether the petitioner has contravened the provisions of the Essential Commodities Act and the Control Order 2008 is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India. In view of the pendency of the proceedings before the second respondent, this Court is not inclined to express any opinion touching the merits of the main case.

5. It is a settled principle of law that this Court, while exercising jurisdiction under Article 226 of the Constitution of India shall not lightly interfere with the order of suspension passed by a quasi judicial authority. However, this Court can set aside the order of suspension passed by the quasi judicial authority if the same is ex facie illegal or without jurisdiction.

6. As per the provisions of the Essential Commodities Act and the Control Order 2008, the Revenue Divisional Officer / the Sub-Collector, as the case may be, is the appointing authority. As per Clause 5 of the Control Order, the Revenue Divisional Officer is empowered to suspend the authorization of a fair price shop dealer

if the dealer commits any irregularity or contravenes the provisions of the Control Order.

7. At the time of arguments, the only relief sought by the learned counsel for the petitioner is to direct the second respondent to complete the enquiry pending against the petitioner as expeditiously as possible. Learned Assistant Government Pleader also consented for the same.

8. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the second respondent is hereby directed to complete the enquiry pending against the petitioner as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of copy of this order.

9. With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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T.SUNIL CHOWDARY, J

14.10.2016

Note:

Issue C.C.within three days.

B/o.Pns.