

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33702 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 respondents 2 and 3 in not supplying the essential commodities to the petitioner as illegal and arbitrary.

2. Heard the 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.2846 of Joginipalli village, Korutla Mandal, Karimnagar District, about 19 years back. It is the case of the petitioner that he has been distributing the essential commodities to the Card Holders without any complaint whatsoever for all these years. While so, on 11.08.2016, the Deputy Tahasildar (Civil Supplies), Korutla, visited the shop of the petitioner and found some variation. Basing on the report submitted by the Dy.Tahsildar, the second respondent Sub-Collector issued a show cause notice on 19.09.2016 calling for the explanation of the petitioner. The petitioner submitted her explanation.

4. Learned counsel for the petitioner submitted that the authorization of the petitioner is not suspended. The learned

Assistant Government Pleader on instructions submitted that the second respondent suspended the authorization of the petitioner on 20.08.2016.

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. It is the case of respondent No.3 that the petitioner has contravened the provisions of the Control Order, 2008. Whether there is any variation in the stock, as pleaded by the respondent No.3 is purely a disputed question of fact, which cannot be gone into by this Court, while exercising jurisdiction under Article 226 of the Constitution of India.

8. At the time of arguments, the only relief sought by 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.

9. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

10. 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 after affording a reasonable opportunity to the petitioner to put forth her stand.

11. 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.

T.SUNIL CHOWDARY, J

30.09.2016
Rns.