

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24663 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 the second respondent in suspending the authorization of the petitioner as Fair Price Shop Dealer vide proceedings in Rc.No.2617/2016/B, dated 14.07.2016 as being illegal and arbitrary.

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

3. A perusal of the record reveals that the petitioner was appointed as a Fair Price Shop Dealer of Shop No.17 of Veeraobanapalli village, O.D.Chervu Mandal of Ananthapuram District, in the year 2007. It is the case of the petitioner that he has been distributing the essential commodities to the cardholders without any complaint from anybody. While so, on 26.06.2016 the third respondent along with the Vigilance and Enforcement Officials visited the Fair Price Shop premises of the petitioner and found variation of the stock and reported the same to the second respondent. The second respondent issued a notice dated 01.07.2016 framing three charges against the petitioner. The contention of the petitioner is that the second respondent suspended the authorization of the petitioner without following the procedure.

4. The contention of the learned Assistant Government Pleader is that the petitioner contravened the control orders. The fact remains that the enquiry is pending before the second respondent.

5. At the time of arguments, learned counsel for the petitioner submitted that the second respondent may be directed to dispose of the enquiry pending against the petitioner as early as possible. The learned Government Pleader also consented for the same.

6. In view of the submissions made by both the counsel, this Court is not inclined to express any opinion touching the merits of the main case.

7. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to dispose of the enquiry pending against the petitioner, after affording an opportunity to him to put forth his stand, as early as possible, preferably within a period of one month from the date of receipt of copy of this order. If the second respondent fails to complete the enquiry within one month, the authorization of the petitioner may be restored.

8. Accordingly, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 4, 2016.

Rns