

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27117 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the impugned order in Rc.No.2756/2016-B dated 19.07.2016 on the file of the second respondent, 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.0741020 of A.Muppalla Village, Ipur Mandal, Guntur District on 20.06.1979. It is the case of the petitioner that he has been distributing the essential commodities to the card holders all these years without any complaint whatsoever. While so, on 05.04.2016 the Assistant Grain Purchasing Officer, Guntur and the Deputy Tahsildars, Civil Supplies, Narasaraopet and Gurazala, inspected the fair price shop of the petitioner and found variation in the stock. Basing on the report of the Tahsildar, the second respondent issued proceedings on 19.07.2016 suspending the authorization of the petitioner.

4. The contention of the learned counsel for the petitioner is that the petitioner has not contravened the provisions of A.P.Public Distribution System (Control) Order, 2008 and the authorization of the petitioner was suspended without considering the explanation of the petitioner.

5. The learned Assistant Government Pleader for Civil Supplies submitted that the petitioner contravened the provisions of A.P.Public Distribution System (Control) Order, 2008; therefore the order passed by the second 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 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 before the second respondent.

7. The learned counsel for the petitioner submitted that the second 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 second respondent is hereby directed to complete the enquiry pending against the petitioner, after affording a reasonable opportunity to him to put forth his defence, 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 second respondent is further directed to restore the authorization of the petitioner in respect of Fair Price Shop No.0741020 of A.Muppalla Village, Ipur Mandal, Guntur 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: 12.08.2016
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