

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.11869 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The case of the petitioner, as seen from the affidavit, is that petitioner-Vigneswara Dwacra Group being represented by its group leader Satyavathi was appointed as Fair Price Shop dealer in respect of F.P. Shop No.26 of Regulakunta H/o.Sanjeevapuram Village, Gopalapuram Mandal, West Godavari District. The deponent Satyavathi being the group leader was maintaining the Fair Price Shop on behalf of the group. While so, alleging certain irregularities, proceedings dated 18.12.2015 were issued by the 2nd respondent suspending the dealership of the petitioner for a period of three months. Aggrieved over the same, present writ petition is filed.

The allegation in the show cause notice is that the petitioner had failed to supply essential commodities to majority of cardholders. Further, the suspension was made only for a period of 90 days.

As per the learned counsel for the petitioner, the suspension has not been extended further. The learned Government Pleader also does not dispute that aspect. However, he seeks time to get instructions.

I am not inclined to adjourn the matter as the very impugned order dated 18.12.2015 itself indicates that the suspension was only for a period of 90 days and as on today, said 90 days period has been lapsed. Apart from this, the petitioner had categorically submitted in their explanation that only

8 complainants, who have inimical disputes with the group, have made the complaint whereas as many as about 200 other members have categorically stated before the 2nd respondent that the commodities are being distributed to them regularly. *Prima facie*, it appears, these aspects were not considered by the 2nd respondent and only based on the report of the 3rd respondent that too at the instance of 8 members the suspension order was made.

Having perused the material on record and heard the submissions of the learned counsel for the petitioner, *prima facie*, this Court is of the view that the explanation of the petitioner cannot be ruled out. Be that as it may, as on date, there is no suspension of the authorization granted in favour of the petitioner. Further more, in view of the Full Bench judgment of this Court in ***Oleti Tirupathamma vs District Supply Officer (City)***^[1] in the absence of there being a suspension of authorization granted in favour of the petitioner, the petitioner shall be entitled to carry on the distribution of essential commodities.

Having regard to the above discussion, the writ petition is disposed of directing the respondents to issue essential commodities to the petitioner for distribution to enable to the petitioner to carry on the work. However, it is made clear that the order made in the present writ petition shall not come in the way of the respondent authorities from conducting an enquiry and passing final orders after considering the explanation and material that may be placed before them. No order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

11th April, 2016.
sur

[\[1\]](#) 2002 (1) ALD 577 (FB)