

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.10105 OF 2016

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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 contents of the affidavit of the petitioner, is that he was appointed as fair price shop dealer in respect of F.P. Shop No.24 at Door No.1-119, G.Chennaram Village, Kanagal Mandal, Nalgonda District, in the year 2011 and his authorization was renewed from time to time and is valid till 31.03.2017. While so, on 18.02.2016 during inspection of physical stocks conducted on 18.02.2016 by Deputy Tahasildar (CS), Nalgonda area and Mandal Revenue Inspector (CS), Nalgonda Area, shortage of rice, wheat, sugar and excess of kerosene oil were noticed, for which, the 3rd respondent issued a show cause notice dated 23.02.2016 and the 2nd respondent issued show cause notice dated 25.02.2016. It is further stated that the petitioner has submitted his explanation dated 01.03.2016, however, without considering the same in proper perspective, his authorization was suspended by proceedings dated 01.03.2016. Aggrieved over the same, present writ petition is filed.

Learned counsel for the petitioner submitted that the authorization of the petitioner was suspended though the variations pointed out are minor in nature. Hence, the impugned notice is liable to be set aside.

Learned Government Pleader submitted that after considering the explanation submitted by the petitioner, his authorization was suspended by the 3rd respondent and there is nothing illegal or arbitrary on the part of the respondents.

As seen from the material on record, though the variations with

respect to PDS rice, sugar and wheat are only minor in nature, however, there is huge variation in respect of kerosene of 174 ltrs.. *Prima facie* allegation against the petitioner is that though he had shown in the records that the commodities have been delivered, as a matter of fact, he has not delivered the commodities to the beneficiaries, on account of which there is a variation for which the explanation submitted by the petitioner is that the beneficiaries being agricultural labour and others engaged in day to day earning occupations, usually send their children/old parents to collect the commodities at their convenience. However, at the time of receiving rice, sugar and wheat they put their signatures in the registers acknowledging receipt of also kerosene and as such there was variation.

Having considered the submissions made by both the learned counsel, this Court is of the view that truth or otherwise of the explanation submitted by the petitioner is required to be enquired into by the 3rd respondent after due enquiry by calling atleast a section of persons who are beneficiaries and who have acknowledged the receipt of commodities. Though there is possibility of petitioner's explanation being accepted, the same is required to be considered primarily by the authorities. In that view of the matter, this Court is not inclined to further enquire into the matter.

However, in the interest of justice the writ petition is disposed of with a direction to the 3rd respondent to complete the enquiry within four weeks from the date of receipt of a copy of this order and pass appropriate orders after giving due opportunity to the petitioner. In the event, the enquiry is not completed within four weeks from today, the authorization of the petitioner shall be deemed to have restored till passing of orders by the 3rd respondent after enquiry. There shall be no order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall

stand closed.

Challa Kodanda Ram, J

29th March, 2016.

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