

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27095 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 respondents in suspending the authorization of the petitioner in respect of Fair Price Shop No.38, Patnam Village, Thavanampalle Mandal, Chittoor District, 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.38, Patnam Village, Thavanampalle Mandal, Chittoor District. It is the case of the petitioner that she has been distributing the essential commodities to the card holders without any complaint whatsoever. The authorization of the petitioner was valid upto 31.03.2016. The petitioner made an application for renewal of the authorization on 17.03.2016. On 30.05.2016, the fourth respondent visited the fair price shop of the petitioner and found some irregularities and to that effect he submitted a report to the third respondent. On 03.06.2016, the third respondent issued a show-cause notice directing the petitioner to submit her explanation. Being not satisfied with the explanation of the petitioner, the third respondent initiated enquiry against the petitioner by suspending her authorization.

4. Whether the petitioner has contravened the provisions of A.P.Public Distribution System (Control) Order, 2008 or not is purely a disputed 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 the enquiry before the third respondent.

5. At the time of argument, the learned counsel for the petitioner submitted that the third respondent may be directed to dispose of the enquiry as expeditiously as possible. The learned Assistant Government for Civil Supplies also consented for the same.

6. Having regard to the facts and circumstances of the case and also the submissions made by learned counsel for both parties, the third respondent is hereby directed to dispose of the enquiry pending against the petitioner, after affording a reasonable opportunity to her to put forth her stand, 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 third respondent is further directed to restore the authorization of the petitioner in respect of Fair Price Shop No.38, Patnam Village, Thavanampalle Mandal, Chittoor District.

7. With the above direction, the Writ Petition is disposed of.
No costs.

8. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 11.08.2016
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