

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA  
RAO**

**WRIT PETITION No.1950 of 2016**

**ORDER:**

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

2. The petitioner was appointed as Fair Price Shop Dealer for 341, Circle III at D.No.19-5-479/23/H, N.M.Guda, S.P. Nagar, Kishan Bagh, Hyderabad. His authorization was valid upto 31-03-2015. But he had applied for renewal of the same on 27-03-2015 and no orders have been passed thereon. Therefore he would be deemed to be having valid licence as on this day.

3. While so, on 25-05-2015, the Checking Inspector of the Office of the Assistant Supply Officer, Circle-III, Hussaini Alam, Hyderabad inspected the Fair Price Shop of the petitioner and found that a benami was running the fair price shop instead of the petitioner. Based on the same, a report was submitted to the 2<sup>nd</sup> respondent, who thereafter issued a show cause notice on 25-05-2015. On the same day itself, the authorization of the petitioner was suspended pending enquiry while tagging on the cards attached to the subject fair price shop to a nearby fair

price shop in order to avoid inconvenience to the card holders.

4. Challenging the impugned order dt.25-05-2015, the present Writ Petition is filed.

5. It is stated by the petitioner that on the day of the visit of the Checking Inspector, he had accompanied his wife to attend the Court of the IX Special Magistrate, Hastinapuram, where a case C.C.No.49 of 2015 was filed against his wife by one M/s.Bijay Finance under Section 138 of the Negotiable Instruments Act.

6. The authorization of the petitioner was suspended pending enquiry on the ground that the date of inspection, the fair price shop was being run by a benami and not by the petitioner. When the fair price shop is not being run by the dealer, this Court is of the opinion that the said allegation can be enquired into even without cancelling the authorization inasmuch as there is no scope for tampering the records during the course of enquiry. In the circumstances, suspension of authorization of the petitioner by impugned order dt.25-05-2015 is set aside. Since the petitioner has already submitted his explanation on 05-06-2015, the second respondent is directed to conduct an enquiry in respect of the allegation levelled

against petitioner and complete the same by duly observing the principles of natural justice and thereafter pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

7. The Writ Petition is allowed to the extent indicated above. No costs.

8. As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

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**JUSTICE M.S. RAMACHANDRA RAO**

Date: 29-01-2016

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