

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23689 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 fourth respondent in issuing the impugned proceedings in Rc.No.1158/2014-B, dated 28.06.2016 suspending the authorization of the petitioner to run the Fair Price Shop No.7, Gadevaripalle village, Karempudi Mandal, Guntur District, without proper consideration of the mediator's report, explanation submitted by the petitioner and without conducting any enquiry is illegal, arbitrary and consequently set aside the same.

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

A perusal of the record reveals that the respondent officials visited the shop of the petitioner and found variation of 5 Kgs of PDS rice, ½ kg of sugar and 89.6 litres of kerosene. The contention of the learned counsel for the petitioner is that the 4th respondent herein without considering the explanation submitted by the petitioner suspended the authorization of the petitioner. He further submitted that he has supplied the kerosene to the villagers for funeral purposes. The questions raised by the learned counsel for the petitioner are purely disputed questions of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India. The apprehension of the petitioner is that the 4th respondent may not complete the disciplinary proceedings within a reasonable time.

The learned Assistant Government Pleader submitted that the 4th respondent already made arrangements for distribution of essential commodities to the card holders for the month of July 2016.

Having regard to the facts and circumstances of the case, the 4th respondent is hereby directed to dispose of the disciplinary proceedings issued against the petitioner within a period of one month from the date of receipt of copy of this order. Failing which, the 4th respondent is hereby directed to allot the shop in question to the petitioner.

With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

21.07.2016
Rns

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