

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7480 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents and with their consent the writ petition is disposed of at the admission stage.

The case of the petitioner is that he was appointed as Fair Price Shop Dealer for Shop No.29 of Balapanur Village, Simhadripuram Mandal, Kadapa District and he is distributing the essential commodities without any remarks whatsoever. While so, basing on the report dated 11.01.2016 submitted by the 4th respondent-Tahasildar, Simhadripuram Mandal, the 3rd respondent issued impugned order dated 23.02.2016 suspending the license of the petitioner without conducting any enquiry as contemplated under the Essential Commodities Act, 1955.

Perused the records. As the impugned order is only suspension pending enquiry, though the learned counsel for the petitioner tries to persuade this Court to see the details of variations in the stock and pleaded that the variations are of the minor nature and in those circumstances the suspension is not warranted, I am not inclined to enter into that arena as it is not possible to this Court to verify in every case of suspension pending enquiry and come to a conclusion whether the variation in stocks is of the serious nature and whether any action warranting suspension is required which may ultimately lead the cancellation of authorization or levy of penalty, are all matters which are required to be considered by the authority and also as it is not practicable to this Court to enter into the said aspects, the writ petition does not deserve admission. However, the suspension pending enquiry cannot be of a permanent feature. In that view of the matter, interest of justice would be served if an opportunity is given to

the petitioner to submit his explanation, which shall be directed to be considered by the 3rd respondent in a time bound manner.

Accordingly, the 3rd respondent is directed to conduct an enquiry and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, after taking into consideration of the explanation that is being submitted by the petitioner and after providing opportunity of hearing as required under the relevant Control Orders.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J.

9th March, 2016
Ssv