

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26210 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 third respondent in issuing suspension order vide Rc.B.2678/2016, dated 18.07.2016, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (A.P.)

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of Shop No.69, Votturu Village, Kavali Mandal, Nellore District. It is the case of the petitioner that he has been distributing the essential commodities to the card holders without any complaint. While so, on 11.07.2016, the fourth respondent visited the fair price shop of the petitioner and found variation of the stock. The variation of the stock is out of the permissible limit. Basing on the report submitted by the fourth respondent, the third respondent suspended the authorization of the petitioner in respect of Fair Price Shop No.69 on 18.07.2016. Feeling aggrieved by the orders of the third respondent, the petitioner preferred an appeal before the second respondent.

4. The contention of the learned Assistant Government Pleader for the respondents is that the petitioner has contravened the provisions of A.P.Public Distribution System (Control) Order, 2008.

5. The contention of the learned counsel for the petitioner is that the stock belongs to Anganwadi and the petitioner has not contravened the provisions of A.P.Public Distribution System (Control) Order, 2008.

6. The queries 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 fact remains that the appeal is pending before the second respondent.

7. The learned counsel for the petitioner submitted that the second respondent may be directed to dispose of the appeal filed by the petitioner on 25.07.2016.

8. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to dispose of the appeal filed by the petitioner on 25.07.2016, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of.

No costs.

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

T.SUNIL CHOWDARY, J

Date: 08.08.2016

lvd