

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7162 of 2016

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Between:

Sri Meda Srinivasa Rao

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Civil Supplies Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the proceedings dated 12.01.2016 issued by the 2nd respondent-Revenue Divisional Officer, temporarily suspending the authorization of the petitioner's fair price shop No.3 of Chebrolu Village and Mandal, Guntur District.

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.3 situated at Chebrolu Village and Mandal, Guntur District 15 years back, on regular basis. While so, basing on a false complaint made against the petitioner the Deputy Tahsilda (Civil Supplies), Prathipadu, and his staff visited the shop of the petitioner on 9.12.2015, prepared panchanama and submitted a report before the 3rd respondent. Basing on the said report, the 2nd respondent issued the impugned proceedings dated 12.01.2016 temporarily suspending the authorization of the petitioner and called for explanation, to which the petitioner submitted a detailed explanation on 20.01.2016. The grievance of the petitioner is that without giving any prior notice and affording an opportunity of hearing to the petitioner the 2nd respondent straight away issued the impugned proceedings. Challenging the same the present writ petition is filed.

Heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

A perusal of the proceedings dated 12.01.2016 issued by the 2nd respondent-R.D.O shows that the authorization of the petitioner's Fair Price Shop was suspended on the allegation of indulging in clandestine business by the petitioner and a case was booked against him under Section 6-A of Essential Commodities Act, 1955. As the allegations leveled against the petitioner are serious in nature, 2nd respondent-R.D.O shall conduct an enquiry against the petitioner by

taking into consideration of the explanation submitted by the petitioner.

In the light of the aforesaid discussion and inasmuch as the petitioner has already submitted his explanation denying the charges levelled against him, the second respondent-R.D.O is directed to consider the explanation submitted by the petitioner and pass final orders within a period of six weeks from the date of receipt of a copy of this order by duly observing the principles of natural justice and affording an opportunity of being heard to petitioner.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

CHALLA KODANDA RAM, J.

4th March, 2016
Js.