

HON'BLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.9628 OF 2016

ORDER:-

The order passed by the 3rd respondent-Revenue Divisional Officer, Karimnagar, vide proceedings No.K/252/2016, dated 09.01.2016 suspending the petitioner's fair price shop authorisation in respect of shop number 0727-Vedurugatta village, Choppadandi Mandal, Karimnagar District, pending enquiry of the petitioner, is challenged before this Court.

The interim suspension has been made on the allegations that the entire red-gram dal for the month of December has not been distributed by the petitioner. It is the case of the petitioner that for the month of December there was no issue of red-gram dal in favour of any of the dealers in the Mandal, which fact is evident by a report submitted by the District Manager, Telangana State Civil Supplies Corporation Limited, Karimnagar, pursuant to the complaints made to the Collector. It is further case of the petitioner, inasmuch as, since it is the only MLS point authorities are involved in non-supply of the red-gram dal, the suspension of the petitioner's license authorisation is unwarranted and not justified.

Learned Government Pleader for the respondents submits that since it is only suspension pending enquiry, petitioner may be directed to submit explanation and opposes the very entertainment of the Writ Petition.

Heard learned counsel for the petitioner and perused the records including the report made by the District Manager, T.S.C.S.C.L., Karimnagar. including notice issued under Section 6B of the Essential Commodities Act. Shorn of all unnecessary details, it is the specific case of the petitioner that he was not delivered with the

red-gram dal for the month of December, but for the manipulation of the MLS point authorities, the same has been shown as delivered to the petitioner and the petitioner in fact had entered nil entries in its registers.

The entire case would revolve on ascertainment of the truth, particularly in relation to whether red-gram dal was supplied to the petitioner and the petitioner had taken delivery of the same or not. Since the petitioner had acknowledged as if the delivery has been made he cannot be absolved of the liability as without receiving the commodities he could not have given an acknowledgment as if the same are received. In the instance case, since the acknowledgement has been given confirming the receipt of the red-gram dal, therefore, the goods are deemed to have been delivered to the petitioner. Hence, it would be the liability and responsibility of the petitioner to distribute the same to the beneficiaries.

A perusal of the report of District Manager, TSCSCL, Karimnagar, is not clear on the aspect as to the dealers who have acknowledged and who have not acknowledged the receipt. As the report is general in nature in relation to the entire 34 fair price shop dealers in the Mandal. Though it has been stated that 21 fair price shop dealers have signed in acknowledgement slips, the same is a matter for verification. In that view of the matter, no useful purpose would be served by keeping the writ petition pending and interest of justice would be served if a direction is issued to the 3rd respondent to conduct a detailed enquiry, particularly to ascertain the fact whether the petitioner-dealer has taken delivery / given acknowledgement of receipt of the red-gram dal during the period and pass appropriate orders. However, the petitioner may be given benefit of doubt at this point of time, particularly considering the vehement denial on the part of the petitioner that he had not given acknowledgment of receipt of the red-gram dal in the month of December, 2015. Accordingly, there shall

be a direction to the 3rd respondent to complete the enquiry within four weeks from the date of receipt of the copy of this Order. Until the orders are passed by the respondent authorities, the impugned order stands suspended.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending consideration, if any, shall also stand closed in consequence.

CHALLA KODANDA RAM, J

Date: 23.03.2016

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