

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.38333 of 2015

ORDER

This writ petition is filed seeking to set aside the proceedings Rc.No.3452/2014/F dated 31.10.2015 issued by the second respondent and subsequently to restore the authorization of the petitioner with regard to Shop No.15, Konaphalam Village, Nizampatnam Mandal, Guntur District, pending disposal of the appeal before the first respondent.

2. As the point involved in the matter is short, at request of the learned counsel for the writ petitioner and the Government Pleader for Civil Supplies, the main writ petition itself is taken up for hearing.

3. The brief facts of the case are that the petitioner is a fair-price shop dealer of Shop No.15 of Konaphalam Village, Nizampatnam Mandal, Guntur District. Based on the complaint given by the villagers, the Deputy Tahsildar (Civil Supplies), Repalle, conducted an enquiry and submitted his report on 28.10.2014. Based on the said report and also the personal statements of the deceased legal heirs recorded by the Revenue Inspector, the respondents came to the conclusion that the petitioner did not commit any mistake and continued his authorization. Thereafter, the villagers filed W.P.No.11480 of 2015 to take action against the petitioner on the enquiry report submitted by the Deputy Tahsildar and the same was disposed of on 21.04.2015 with a direction to the respondents therein to conduct enquiry against the petitioner in respect of the allegations levelled by the petitioners therein and take appropriate action in

accordance with law. Pursuant to the said direction, the second respondent issued a show cause notice dated 30.06.2015, for which, the petitioner submitted his explanation on 09.07.2015 and finally, the 2nd respondent issued proceedings dated 31.07.2015 suspending the authorization of the petitioner. Aggrieved by the same, the petitioner filed an appeal before the first respondent on 10.08.2015 and the same is pending. He also filed W.P.No.26896 of 2015 challenging the said suspension order. By order dated 25.08.2015, this Court allowed the said writ petition setting aside the suspension order dated 31.07.2015, however, observed that the said order will not prevent the second respondent from issuing clear and appropriate charges to the petitioner, if he finds that there are any irregularities. Subsequently, the second respondent issued a show cause notice on 17.10.2015 by framing 6 charges, for which, the petitioner submitted his explanation on 27.10.2015. After considering the explanation of the petitioner and after conducting an enquiry, the second respondent issued the impugned proceedings cancelling the authorization of the petitioner. Challenging the same, the petitioner filed an appeal before the first respondent and the same is pending. Pending appeal, he filed the present writ petition to set aside the impugned proceedings.

4. Since the appeal filed by the petitioner challenging the impugned proceedings is pending before the first respondent, without going into the merits of the matter, this Writ Petition is disposed of, with a direction to the first respondent to dispose of the appeal filed by the petitioner in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the order of interim suspension granted by

this Court on 25.11.2015 shall continue.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous, petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

14th March, 2016
sj