

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4986 of 2016

DATED 17TH FEBRUARY, 2016

BETWEEN

Annem Nageswara Reddy

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary, Consumer Affairs, Food and
Civil Supplies (CS.I) Department, Secretariat,
Hyderabad and ors.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4986 of 2016

ORDER:

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

The petitioner is appointed as Fair Price Shop Dealer for Shop No.37 of Ankireddipalle Village, Kolimigundla Mandal, Kurnool District. On 18.01.2016, the Deputy Tahsildar (Civil Supplies) along with the fourth respondent inspected the fair price shop of the petitioner and found certain variations in the stocks. Thereafter, based on the report submitted by the fourth respondent, the third respondent passed order dated 6.2.2016 suspending the authorization of the petitioner pending enquiry. Aggrieved by the same, the petitioner filed the present Writ

Petition.

A perusal of the order impugned in this Writ Petition reveals that the petitioner has distributed PDS rice and Atta beyond the allotment and there is shortage of 84 liters of Kerosene oil. In view of the same, the third respondent issued the impugned proceedings suspending the authorization of the petitioner pending enquiry. Having regard to the allegations made against the petitioner, this Court is not inclined to go into the merits or otherwise of the same. Further the impugned order is only suspension pending enquiry.

In that view of the matter, the Writ Petition is disposed of directing the petitioner to submit his explanation within one week from the date of receipt of the order and the third respondent is directed to conduct enquiry and pass final orders within a period of four weeks from the date of receipt of explanation from the petitioner, by duly complying with the principles of natural justice and affording an opportunity of being heard to the petitioner. It is made clear that if the petitioner does not cooperate with the enquiry, the respondents are at liberty to pass final orders based on the enquiry report and material available on record. Further it is made clear that if the respondents have not completed the enquiry and passed the final order as directed supra, the suspension of authorization of the petitioner shall stand revoked without reference to the further orders from this Court.

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.

JUSTICE CHALLA KODANDA RAM

DATED 17TH February, 2016.

Note: Dispatch the order forthwith

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