

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43602 OF 2016

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in issuing the order in Proceedings No.E/3728/2016, dated 03.09.2016, suspending the authorization of the petitioner's fair price shop No.10 at D.No.4-82, Janwada Village, Shankarpally Mandal, Ranga Reddy District, and in not completing the inquiry even after 90 days period, as illegal and arbitrary and for a consequential direction to the 3rd respondent to restore authorization of the petitioner.

Learned counsel for the petitioner submits that though petitioner's authorization was suspended on 03.09.2016, till now no inquiry is conducted. He submits that suspension pending enquiry cannot be continued beyond 90 days. In support of his contention he relied on the Judgment dated 04.12.2013, passed by this Court in WP.No.35003 of 2013.

Heard learned Assistant Government Pleader for Civil Supplies.

In the Judgment relied on by the petitioner this Court held as follows;

“ This Court, in number of cases held that suspension of fair price shop authorization cannot be resorted to beyond 90 days. In ***D.Sambasiva Rao v. Joint Collector, Guntur and others*** (2007 (6) ALT 239 and Judgment of Division

bench of this Court in **The Joint Collector, Kurnool v. A. Neelima (1996 (1) APLJ 285)**, it was observed as under;

“.....the maximum period of suspension of the authorization of a dealer can be ninety (90) days, and consequently, if the proceedings are not concluded by the Revenue Divisional Officer, within that period, the suspension has to be revoked or set aside.”

In the present writ petition also though 90 days period elapsed, the 3rd respondent has not completed the enquiry. In view of the same and since the petitioner has already submitted explanation to the show cause notice, the 3rd respondent is directed to complete the enquiry, within six weeks from the date of receipt of a copy of this order. Till then the petitioner shall be permitted to continue as a fair price shop dealer of Shop No.10, D.No.4-82, Janwada Village, Shankarpally Mandal, Ranga Reddy District.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

15.12.2016
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