

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18457 OF 2016

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies (Andhra Pradesh).

The petitioner was stated to be the fair price shop dealer of Shop No. 16, Macherla Town, Guntur District. On 25.05.2016, her authorization was suspended pending inquiry, vide proceedings Rc.No. 284/2016-E of the 1st respondent Revenue Divisional Officer alleging that she holds excess stock.

The petitioner pleads that pursuant to the show cause notice dated 12.05.2016 issued to her alleging certain irregularities on her part, she submitted the explanation stating that on 07.05.2016, at about 07.00 A.M., some card-holders came to the fair price shop and put their thumb impressions in *e-pos* machine and while weighing rice and sugar, due to heavy rain, the card-holders left the shop stating that they would take the commodities in the evening and in the meantime, the inspection has taken place and consequently, the impugned proceedings ensued. Hence, she filed the present Writ Petition to declare the action of the 1st respondent suspending the authorization of her fair price shop, as illegal and arbitrary.

Since the allegation levelled against the petitioner that there is excess stock available with her, is serious in nature, the respondent-authorities are bound to conduct an inquiry against her after taking into account and consideration the explanation submitted by her.

In the instant case, admittedly, the inspection took place in the 1st week of May i.e. on 07.05.2016. Still, there are 25 days left for the card-holders to collect the commodities from the petitioner shop. Further, the suspension order does not indicate whether the variation is in excess of the permissible limits as prescribed under the Control Order.

Hence, in the facts and circumstances of the case, this Court is of the opinion that suspension of the authorization pending enquiry is

not at all warranted. However, since the petitioner has already submitter her explanation to the show cause notice, it would be expedient to direct the 1st respondent to complete the inquiry, taking into account and consideration the explanation, after affording an opportunity of hearing and pass final orders within a period of six weeks from the date of receipt of a copy of this order. Till then, the order of suspension dated 25.05.2016 shall stand suspended. It is needless to mention that the interim suspension of the order dated 25.05.2016 is subject to the final orders that may be passed by the 1st respondent.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

13th June 2016

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