

ORDER:

The writ petition is filed questioning the proceedings dated 30.06.2016, issued by the 3rd respondent-District Supply Officer suspending the authorisation of the petitioner's fair price shop dealership, pending enquiry.

Heard the learned counsel for the petitioner and the leaned Government Pleader for Civil Supplies (T.S).

One of the ground on which the petitioner challenges the impugned proceedings is that merely because notice was issued under Section 6A without there being any independent allegations in the notice, the suspension pending enquiry has been made.

Learned counsel for the petitioner places reliance on the judgment of this Court reported in **P. Hanumantha Rao vs. The Chief Rationing Officer, Twin Cities, Hyderabad and another**^[1].

Perused the record. At para No.3 of the very same judgment cited by the learned counsel for the petitioner, it is categorically held that the suspension pending enquiry does not require any notice and the same can be made as an implied or ancillary power vested with the authority. Further, in the Controller Order, 2008, there is a specific power of suspension impliedly even for interim suspension.

In that view of the matter, the writ petition is disposed of giving liberty to the petitioner to submit the explanation to the show-cause notice which shall be considered by the 3rd respondent-D.S.O during the enquiry and the enquiry to be conducted within a period of six weeks from the date of receipt of copy of the order. If the enquiry is not conducted within the period specified, suspension order stands suspended until passing of the final orders in the case of the petitioner.

Accordingly, the writ petition is disposed of with the above observations. No order as to costs.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

CHALLA KODANDA RAM,J

Date:14.07.2016.

Note:

Issue CC forthwith. B/o.Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.22535 OF 2016

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Date:14.07.2016

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