

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.35157 OF 2016

ORDER:

Heard counsel for petitioner and the Government Pleader for Revenue.

The petitioner prays for the following relief:

“to issue a writ, order or direction more particularly one in nature of Writ of Mandamus declaring the proceedings in Ref. No. C/91712016, dated 23-09-2016 issued by the respondent No.3 suspending the authorization of the petitioner as Fair Price Shop Dealer, Shop No.94, Balaji Nagar, Kadapa Mandal, Y.S.R District as arbitrary, illegal, colorable exercise of power, contrary to the provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 and also the well settled legal principles apart from being violative of the fundamental rights guaranteed to the petitioner under Articles 14, 19 & 21 of the Constitution of India and consequently set aside the same..”.

The grievance of the petitioner is that the impugned order suspending the authorization of the petitioner as Fair Price Shop Dealer is passed by the 3rd respondent without verifying the facts of the case and made on the basis of false report submitted by the 5th respondent. According to petitioner, the 5th respondent gave the report at the behest of respondent No.6.

The petitioner gave representation dated 31.03.2016 to 5th respondent not to initiate any hasty step for termination of the authorisation and act in accordance with law. The 5th respondent without considering/examining the representation of petitioner,

after four months, submitted report dated 05.08.2016 to the 3rd respondent stating that the report is on the basis of inspection dated 03.08.2015.

After perusing the allegations in the suspension order and also the instructions placed on record by the learned Government Pleader, this Court is satisfied that suspension need not be continued.

The writ petition is ordered as follows:

The order of suspension is set aside. The enquiry may go on if circumstances warrant. Normally, this Court does not interfere in the matters of suspension, but the suspension is granted having regard to the peculiar fact situation of this case.

No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V. BHATT, J

Date: 07.11.2016

Note:

C.C. forthwith.

B/o.

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