

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33288 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the third respondent in suspending the authorization of the petitioner in respect of Fair Price Shop No.25 of Peerzadiguda Village, Ghatkesar Mandal, Ranga Reddy District as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Telangana) representing the respondents 1 to 4.

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of Shop No.25 of Peerzadiguda village, Ghatkesar Mandal, Ranga Reddy District about twenty years back. It is the case of the petitioner that he has been distributing the essential commodities to the Card Holders without any complaint whatsoever for all these years. While so, on 15.06.2016 the Assistant Civil Supply Officer inspected the premises of the petitioner's shop and found variation in the stock. Basing on the report submitted by the Assistant Civil Supply Officer, the Revenue Divisional Officer - third respondent while suspending the authorization of the petitioner, issued show cause notice No.C/ 1296/ 2016 dated 23.06.2016 directing the petitioner

to submit his explanation. The petitioner submitted his explanation on 28.06.2016.

4. The contention of the learned counsel for the petitioner is that the petitioner has not contravened the provisions of the Essential Commodities Act and the A.P.S.P.D.S (Control) Order 2008. The learned Assistant Government Pleader submitted that the petitioner contravened the provisions of the EC Act, therefore, the third respondent is justified in suspending the authorization of the petitioner.

5. A perusal of the record reveals that 6-A proceedings are pending against the petitioner. Whether the petitioner has contravened the provisions of the Act or not is purely a disputed question of fact, which can not be gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

6. At the time of arguments, the only relief sought by the petitioner is to direct the third respondent to dispose of the enquiry pending against the petitioner as expeditiously as possible. Learned Assistant Government Pleader also consented for the same.

7. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the third respondent is hereby directed to dispose of the enquiry pending against the petitioner as expeditiously as possible, preferably,

within a period of five weeks from the date of receipt of copy of this order.

8. With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

28.09.2016
Fns.

