

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.15181 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action on the part of the 3rd respondent in issuing the proceedings in R.C.No.1978/2016-D, dated 31.03.2016, suspending the authorization of the petitioner over the Fair Shop No.100, Adavipalle Palem Village, Bapatla Mandal, Guntur District, as arbitrary and illegal and consequently, set aside the same and direct respondent No.3 to continue the petitioner as Fair Price dealer for the aforesaid Shop.

2. The petitioner has been appointed as Fair Price Shop Dealer of aforesaid shop. While so, the 4th respondent got issued proceedings stating on 05.03.2016, the Deputy Tahsildar (CS), Bapatla along with Mandal Revenue Inspector-I, Bapatla and Village Revenue Officers of Adavipalle palem inspected the shop of the petitioner and found certain irregularities in distribution of essential commodities and accordingly initiated proceedings under Section 6-A of the Essential Commodities Act. Challenging the same, the petitioner filed W.P.No.10635 of 2016 before this Court and the same is pending. In the meanwhile, the 3rd respondent vide proceedings, dated 31.03.2016 suspended the authorization of petitioner over Fair Price Shop. The 3rd respondent-Revenue Divisional Officer, Tenali also got issued show cause vide proceedings, dated 31.03.2016 stating that as to why the petitioner's authorization shall not be cancelled and directed him to give explanation within seven (7) days with regard to the charges levelled against him. Accordingly, the petitioner approached the 3rd respondent and gave explanation to the show cause notice, dated 31.03.2016.

3. In view of gravity of the allegations made wherein stock variation outside the permitted limits is found, this Court is not inclined to interfere with the suspension of authorization pending enquiry. Considering the fact that the petitioner has already submitted his explanation on 11.04.2016 for release of the essential commodities for distribution for the month of April, 2016, the respondents shall allot essential commodities to petitioner for distribution on remitted amount for the month of April, 2016 alone. However, the 3rd respondent shall complete the enquiry within six (6) weeks from the date of receipt of a copy of this order after giving opportunity of hearing to the petitioner.

4. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

APRIL 28, 2016
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Date: 28.04.2016