

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9967 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The case of the petitioner, as seen from the contents of the affidavit of the petitioner, is that she was appointed as permanent fair price shop dealer in respect of F.P. Shop No.12, Prabhalaveedu Village, B.Koduru Mandal, Y.S.R. District, on 18.09.2007 and her authorization was renewed from time to time and is valid till 31.03.2016. While so, the Mandal Revenue Inspector, B.Kodur Mandal, inspected her Fair Price Shop and having found excess stock of 171.75 Ltrs. of kerosene, a report dated 21.01.2016 was submitted to the 3rd respondent, who in turn issued a show cause notice dated 29.01.2016, for which the petitioner submitted her explanation. However, without considering the same in proper perspective, her authorization was suspended by the 3rd respondent vide proceedings dated 29.02.2016. Aggrieved over the same, present writ petition is filed.

Learned counsel for the petitioner submitted that the authorization of the petitioner was suspended without properly considering the explanation submitted by the petitioner. Hence, the impugned proceedings are liable to be set aside.

Learned Government Pleader submitted that after considering the explanation submitted by the petitioner, her authorization was suspended by 3rd respondent and there is nothing illegal or arbitrary

on the part of the respondents.

As seen from the material on record, the impugned order purports to be an order suspending petitioner's Fair Price Shop Dealership authorization. A reading of the same indicates that the 3rd respondent had already predetermined the issue and has concluded that the petitioner's explanation is not satisfactory even without any valid enquiry and only on the ground that the explanation of the petitioner is not satisfactory. Therefore, this order cannot be termed as an order of suspension since it has all the trappings of an order of cancellation of the petitioner's Fair Price Shop Dealership authorization.

In that view of the matter, this Court is of the view that truth or otherwise of the explanation submitted by the petitioner is required to be enquired into by the 3rd respondent and only after due enquiry by calling at least a section of persons who are beneficiaries to establish that they have not been issued with the essential commodities as per their entitlement. These are the matters, which require an enquiry. In that view of the matter, this Court is not inclined to further enquire into the matter.

However, in the interest of justice the writ petition is disposed of with a direction to the 3rd respondent to complete the enquiry within four weeks from the date of receipt of a copy of this order and pass appropriate orders after giving due opportunity to the petitioner. In the event, the enquiry is not completed within six weeks from today, the suspension imposed on the petitioner shall be deemed to have been revoked automatically till passing of orders by the 3rd respondent after enquiry. Further, it is made clear that the 3rd respondent shall complete the enquiry pursuant to the present order being

uninfluenced by the observations made in the process of passing of earlier orders. There shall be no order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

29th March, 2016.

Note: Issue C.C. within three days.

B/o. sur