THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.11427 of 2017

ORDER:

Followed by submission of report by the Deputy Tahsildar, Civil Supplies, Vinukonda, on 06.10.2016 under Section 6-A of the Essential Commodities Act, 1955, and issuance of show cause notice, dated 21.10.2016, and submission of explanation by the petitioner on 29.10.2016, the Revenue Divisional Officer, Narasaraopet, passed order, dated 22.11.2016, suspending the fair price shop authorization of the petitioner in respect of shop No.0743016, Nadigadda Village, Vinukonda Mandal, Prakasam District. The said order is under challenge in the present Writ Petition.

It is submitted by the learned counsel for the petitioner that very passing of the order under challenge is unwarranted. It is also submitted that since variations are very low, the Revenue Divisional Officer ought not to have suspended the fair price shop authorization of the petitioner.

On the contrary, it is submitted by the learned Government Pleader that only after issuing show cause notice and after considering the explanation submitted by the petitioner, the Revenue Divisional Officer passed the order under challenge and there is no illegality nor there exists any procedural infirmity in the impugned action as such the impugned action is not amenable to the writ jurisdiction under Article 226 of the Constitution of India. It is further submitted that since variations are very excessive, the Revenue Divisional Officer is perfectly justified in passing the impugned order. It is also submitted that the Revenue Divisional Officer would pass final orders after giving opportunity to the petitioner.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies, this Court is of the considered opinion that ends of justice would be served, if the Revenue Divisional Officer, Narasaraopet, is directed to pass appropriate final orders after giving opportunity to the petitioner, pursuant to the show cause notice, dated 21.10.2016, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that in the event of failure to pass final orders by the Revenue Divisional Officer within the time stipulated above, the petitioner is entitled to lift the stock.

With the above direction and observation, the Writ Petition stands disposed of.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

17th APRIL, 2017.
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