

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 24091 of 2017

Order:

The petitioner states that he is a permanent resident of Ampolu village in Gara Mandal of Srikakulam district. The third respondent appointed him as a Fair Price Shop Dealer for Shop No.0120022 of the village in the year 2007. His authorization is subsisting till 31.03.2018. While so, on 08.04.2017, the Enforcement Deputy Tahsildar, Srikakulam along with the Village Revenue Officer inspected the shop of the petitioner and found certain variations in the quantities. 6-A proceedings were pending before the second respondent. While so, the third respondent issued a show cause notice on 11.04.2017 by framing five charges against the petitioner. The petitioner submitted his explanation. The third respondent suspended the authorization of the petitioner for a period of 90 days and when the third respondent did not pass any final orders, the petitioner preferred an appeal before the second respondent against the issuance of show cause notice, but the second respondent did not pass any orders on the appeal preferred by the petitioner. The petitioner submits that though the period of 90 days mentioned in the order of suspension was completed on 11.07.2017, he was not allowed to continue the Fair Price Shop Dealership. In those circumstances, he filed the present Writ Petition challenging the order dated 11.04.2017.

It is clear from the above facts that 6-A proceedings are pending against the petitioner before the second respondent and the pendency of 6-A proceedings have nothing to do with the proceedings taken by the third respondent for violation of the Control Order. However, the authorization of the petitioner was kept under suspension for a period of

90 days, in view of the pendency of 6-A proceedings against the petitioner. There is no order continuing the suspension of the authorization of the petitioner and the proceedings pursuant to the show cause notice dated 11.04.2017 were also not finalized by the third respondent.

In the circumstances, the petitioner shall be permitted to run the Fair Price Shop and it is open to the third respondent to independently enquire into the allegations levelled against the petitioner and pass final orders thereon within a period of three (3) months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. In view of allowing the Writ Petition, the proceedings before the second respondent would become infructuous. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 21.08.2017
Nsr

A. RAMALINGESWARA RAO, J