

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

WRIT PETITION No.3022 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings Rc.B.374/2015, dated: 08.12.2016 issued by the 3rd respondent suspending the authorization of the petitioner Fair Price Shop No. 30 of Venkatampalli Village, Peapully Mandal, Kurnool District, as illegal, arbitrary and in violation of principles of natural justice, and consequently set aside the same and direct the respondents to continue the petitioner as Fair Price Shop Dealer of Shop No.30 of Venkatampalli Village of Peapully Mandal, Kurnool District, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard Sri K.V.Raghuveer, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.

3. According to the learned counsel for the petitioner, the impugned action of the Revenue Divisional Officer – 3rd respondent is highly illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India and without finalising the enquiry, the petitioner herein cannot be put in suspended animation.

4. On the otherhand, it is submitted by the learned Government Pleader that appropriate orders will be passed on

the enquiry and the petitioner herein is not entitled for indulgence of this Court, under Article 226 of the Constitution of India, because of the pendency of the enquiry before the Revenue Divisional Officer.

5. Having regard to the nature of controversy and taking into consideration the submissions of the learned counsel for the petitioner and learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served, if the Revenue Divisional Officer – 3rd respondent herein is directed to conclude the enquiry, pursuant to the impugned order dated 08.12.2016, within a timeframe.

6. For the aforesaid reasons, the writ petition is disposed of, directing the Revenue Divisional Officer – 3rd respondent herein to finalise the enquiry pursuant to the proceedings bearing Rc.B.374/2015, dated 08.12.2016, within a period of two months from the date of receipt of a copy of this order. It is further made clear that in the event of non-conclusion of the enquiry within the time, as directed above, the petitioner herein shall be permitted to operate the fair price shop.

7. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

30.01.2017
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