

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.11216 of 2017

ORDER:

This writ petition is filed challenging the impugned order in Rc.1/63/2017, dated 25.03.2017, issued by the 3rd respondent – Revenue Divisional Officer, Ongole, Prakasam District, suspending the Fair Price Shop authorization of the petitioner in respect of Shop No.24, Madanur Village, Kothapatnam Mandal, Ongole Revenue Division, Prakasam District, as arbitrary and illegal.

2. Followed by a report dated 12.01.2017 of the 5th respondent – Enforcement Deputy Tahsildar, Ongole, Prakasam District, after issuing a show cause notice dated 23.01.2017, the 3rd respondent - Revenue Divisional Officer, Ongole, passed the impugned order dated 25.03.2017, suspending the Fair Price Shop authorization of the petitioner, pending enquiry.

3. According to the learned counsel for petitioner, the impugned order dated 25.03.2017, in the facts and circumstances of the case, is highly unwarranted and opposed to the very spirit and object of the A.P. State Public Distribution System (Control) Order, 2008. It is further submitted by the learned counsel for petitioner that since the proceedings under 6A of the Essential Commodities Act, 1955

are entirely different, the order of suspension based on the report of the 5th respondent – Enforcement Deputy Tahsildar is impermissible.

4. On the contrary, it is submitted by the learned Government Pleader for Civil Supplies that variations pointed out by the authorities concerned with regard to PDS rice are very high and no interference is warranted by this Court, since enquiry is pending before the 3rd respondent – Revenue Divisional Officer and the petitioner needs to face such an enquiry.

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

6. In the instant case, the 3rd respondent – Revenue Divisional Officer issued a show cause notice and, admittedly, no explanation has been submitted by the petitioner to the said show cause notice. Therefore, this Court is of the considered opinion that ends of justice would be met, if the 3rd respondent – Revenue Divisional Officer is directed to complete enquiry, as expeditiously as possible, after giving an opportunity to the petitioner to submit his explanation.

7. In view of the above, this writ petition is disposed of, leaving it open for the petitioner to submit his explanation to the show cause notice dated 23.01.2017 issued by the 3rd respondent – Revenue Divisional Officer within a period of two

weeks from the date of receipt of a copy of this order and, if any such explanation is received, the 3rd respondent – Revenue Divisional Officer shall complete enquiry, as expeditiously as possible and pass appropriate orders in accordance with law.

8. As a sequel, Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed.
No order as to costs.

JUSTICE A.V. SESA SAI

30.03.2017.
Msr



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30.03.2017
Msr