

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

WRIT PETITION No.3648 OF 2017

ORDER:

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

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities, particularly 3rd Respondent herein, by issuing the impugned order by suspending the authorization Fair Price Shop dealer, Shop No. 2, by in his order vide No: SCVJ/121/2016-SA(A7)-SCO-VJA, dated: 28.08.2016, on the ground of registering the case U/s 6-A of EC Act 1955, as been illegal, arbitrary, unjust and against the principles of natural justice and violative of articles 19, 21 of the Constitution of India, and consequently direct the respondents herein, to continue/allow the petitioner herein as fair price shop dealer, Shop No. 2 Bhimavaram Village, Vastavai Mandal, by set aside the present impugned order passed by the 3rd respondent herein i.e., in his order, No: SCVJ/121/2016-SA(A7)-SCO-VJA, dated: 28.08.2016.”

2. Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.
3. According to the petitioner, he was appointed as Fair Price Shop dealer in the year 2009 by the 3rd respondent. A show-cause notice bearing No.SCVJ/121/2016-SA(A7)-SCO-

VJA, dated __.08.2016, was issued by the office of the Sub-Collector, Vijayawada, asking the petitioner to show-cause as to why the fair price shop authorization should not be cancelled, while framing the following charges:

1) Charge:I:- The F.P.Shop Dealer No.02, has diverted 200 Ltrs of Kerosene into black market thus violated clause 17(C) A.P.Public Distribution (Control) Order 2008 and Section 6-A of E.C.Act 1955.

2) Charge:II:- The F.P. Shop dealer has diverted 200 Ltrs of Kerosene and thus he has to pay an amount of Rs.80,000/- under 17(C) of A.P. PDS (Control) Order 2008.

4. The Sub-Collector, Vijayawada, also passed an order on the said date, suspending authorization of the petitioner.

5. At the hearing, it is stated by the learned counsel for the petitioner that in response to the show-cause notice dated __.08.2016 issued by the Sub-Collector, petitioner herein submitted his explanation on 07.09.2016, but no orders have been passed so far and a request is made by the learned counsel to direct the Sub-Collector, Vijayawada – 3rd respondent herein to pass orders pursuant to the show-cause notice dated __.08.2016, within a timeframe.

6. Recording the said submission, this writ petition is disposed of, directing the 3rd respondent – Sub-Collector to pass appropriate orders, pursuant to the show-cause notice dated __.08.2016, after giving opportunity of hearing to the

petitioner herein, within a period of three weeks from the date of receipt of a copy of this order.

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

20.02.2017
SS

