

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27141 of 2017

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.73, Ukkayapalli Village, Kadapa Mandal in YSR District on permanent basis in the year 1974. The authorization of the petitioner was subsisting during the year 2014. While so, the shop was inspected by the Food Inspector on 16.11.2014 and it appears that on the basis of the said inspection, a report was submitted on 18.11.2014 to the third respondent. Basing on the report submitted by the fourth respondent, the third respondent issued a show cause notice on 03.04.2017 asking the petitioner to submit his explanation and the petitioner was also asked to appear before him on 15.04.2017. In response to the same, the petitioner appeared before the third respondent on 15.04.2017 and submitted his explanation. However, no enquiry was conducted and when an order of suspension pending enquiry was issued on 28.06.2017, the present Writ Petition is filed.

Since the impugned order discloses variation in quantities, this Court is not inclined to interfere in view of the pending enquiry, but this Court is surprised at the issuance of show cause notice after expiry of three years from the date of inspection. It is obvious that no irregularities were noticed during the last three years. In the circumstances, what necessitated the third respondent to suspend the dealership of

the petitioner is not known. However, since 6A case is pending against the petitioner and the said 6A case is different from the present proceedings, this Court feels that the enquiry shall be completed within a period of two months from the date of receipt of a copy of this order. If the enquiry is not completed within two months, the authorization of the petitioner shall be restored. This clause is incorporated exceptionally for this case since it is noticed that the show cause notice was issued after three years.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

16.08.2017
vs

(A.RAMALINGESWARA RAO, J)

