

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

WRIT PETITION No.1617 OF 2017

ORDER:

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

“to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in trying to buildup a false case to remove the petitioner from the Fair Price Shop Dealership without therebeing valid reason at the instance of some vested interests as arbitrary, illegal and consequently direct the respondents to act fairly as per law and pass such other order or orders as this Hon'ble Court may deem fit and proper.”

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

3. According to the petitioner, she was appointed as fair price shop dealer for P.Kothakota Village (Shop No.43) of Puthulapattu Mandal, Chittoor District, vide proceedings dated 21.12.2009, issued by the Revenue Divisional Officer, Chittoor – 3rd respondent herein and has been running a fair price shop for the last eight years.

4. The Revenue Divisional Officer, Chittoor – 3rd respondent herein, pressed into service the provisions of the A.P. State Public Distribution System (Control) Order, 2008 and issued a show-cause notice bearing Roc.No.B/9130/2016, dated 26.12.2016, framing the following charges against the petitioner herein:

1. *“At the time of inspection, according to physical verification done by the CSDT, Puthapalattu, it is found that there is a variation of 20 Kgs of rice, 5 Kgs of sugar and 10 liters of kerosene oil are excess in the F.P.Shop as ground balance. Thus, she contravened the provisions of clause 5(5), 17(a), 17(b) & 17(A) of A.P. State Public Distribution System (Control) Order, 2008.*
2. *The F.P.Shop dealer has not maintained the stock register from January, 2016 to till date and she contravened the provisions of clause 18(b) and 22(viii) of A.P. State Public Distribution System (Control) Order, 2008.*
3. *The F.P.Shop authorization of Smt.P.Radha Kumari is valid up to 31.03.2016 only and she is not remitted renewal fee within the time. Thus she contravened the provisions of clause 5(10) and 6(iii) of A.P. State Public Distribution System (Control) Order, 2008.*
4. *The F.P.Shop dealer is behaving rude with card holders, a copy of the report of CSDT, Puthalapatuu is enclosed.”*

5. In response to the said show-cause notice, the petitioner herein submitted an explanation dated 09.01.2017, denying the allegations.

6. Admittedly, the enquiry under the Control Order is pending before the Revenue Divisional Officer, Chittoor and the petitioner herein already submitted her explanation to said show-cause notice. In the absence of any complaint as to the lack of jurisdiction, this Court is not inclined to scuttle the enquiry in exercise of the powers conferred under Article 226 of the Constitution of India.

7. Having regard to the submissions made by the learned counsel for the petitioner, this Court deems it appropriate to dispose of the writ petition, with a direction to the Revenue Divisional Officer – 2nd respondent herein to proceed with the enquiry by considering the explanation said to have been submitted by the petitioner herein and by giving opportunity of hearing to the petitioner herein by fixing some timeframe.

8. For the aforesaid reasons, writ petition is disposed of, directing the Revenue Divisional Officer, Chittoor – 2nd respondent herein, to pass appropriate orders pursuant to the show-cause notice bearing Roc.No.B/9130/2016, dated 21.12.2016, by considering the explanation offered by the petitioner and by giving opportunity of hearing to the petitioner herein, within a period of one month from the date of receipt of a copy of this order.

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

A.V.SESHA SAI, J

18.01.2017
SS

Note: issue C.C. in three days.
B/o.SS

