

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 27804 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

The petitioner was appointed as a dealer of fair price shop of Jagannadhapuram Village, Chinthakani Mandal, Khammam District, *vide* proceedings, dated 21.02.2009 and the authorisation was renewed from time to time till 31.03.2018. While so, on the report of respondent No.4-Tahsildar, Chinthakani Mandal, dated 27.12.2016, stating that the Sarpanch and other villagers of Jagannadhapuram Village, lodged a complaint against the petitioner, his authorisation was suspended for certain irregularities after calling for explanation from him *vide* proceedings, dated 20.01.2017. Even after completion of 90 days, when no order was passed by respondent No.3-Revenue Divisional Officer, the present writ petition is filed.

Learned Government Pleader, on the basis of written instructions, submits that against the order of suspension, the petitioner went in appeal before respondent No.2-Joint Collector (Civil Supplies), Khammam Revenue Division, who, in turn, refused to interfere with the order passed by respondent No.3, but directed respondent No.3 to complete the enquiry. Respondent No.3 in his written instructions to the learned Government Pleader stated that he directed respondent No.4 to conduct a detailed enquiry on the explanation submitted by the petitioner and submit

a report. He further stated that after receipt of report as per the provisions of the Control Order, 2016, he would pass an order.

Respondent No.3 should have conducted an independent enquiry in respect of the allegations levelled against the petitioner and should have passed an order within three months from the date of suspension, irrespective of the fact that filing of an appeal by the petitioner against the order of suspension. The power to be exercised by respondent No.3 is independent and it should be exercised within the period specified in the provisions of the Control Order and the orders passed by this Court from time to time.

Though respondent No.3 failed to discharge his duties as expected of him, in order to give him an opportunity, the writ petition is disposed of directing respondent No.3 to complete the enquiry proposed against the petitioner and pass final orders thereon, after giving opportunity to the petitioner, within two months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:04.09.2017

Note: Issue cc in one week.
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