

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

WRIT PETITION No.4932 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, to declare the action of the 2nd respondent in issuing the suspension order bearing Rc.B.110/2017 dt. 12-1-2017 and the show cause notice bearing Rc. B.110/2017 dt. 12-1-2017 simultaneously without affording reasonable opportunity to submit the explanation, as being illegal and arbitrary and consequently set aside the same.”

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 a Fair Price Shop dealer of Shop No.12, Renamala Village, Kondapuram Mandal, SPSR Nellore District, in the year 2014. The Revenue Divisional Officer, issued a show-cause notice bearing Rc.B.110/2017, dated 12.01.2017, asking the petitioner to show-cause as to why the authorization should not be cancelled, while framing as many as five charges. The Revenue Divisional Officer also passed an order of suspension of authorization, vide proceedings Rc.B.110/2017, dated 12.01.2017, pending enquiry. The said order passed by the

Revenue Divisional Officer is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, in the facts and circumstances of the case, the order of suspension is unwarranted and is arbitrary and unreasonable. It is further submitted that the Revenue Divisional Officer should have afforded opportunity to the petitioner herein before suspending the authorization.

5. On the contrary, it is submitted by the learned Government Pleader that since the enquiry is pending before the Revenue Divisional Officer, under the Control Order, 2008, for cancellation of the Fair Price Shop authorization, it is not open for the petitioner herein to approach this Court under Article 226 of the Constitution of India and the petitioner herein needs to face the enquiry. It is further submitted by the learned Government Pleader that the variations as indicated in the show-cause notice are also of higher side, as such, no interference of this Court is warranted in view of the same.

6. Having regard to the submissions made by the learned counsel for the petitioner and learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served, if the Revenue Divisional Officer, Kavali, is directed to complete the enquiry by fixing some timeframe.

7. For the aforesaid reasons, this writ petition is disposed of, permitting the petitioner herein to submit explanation to the show-cause notice bearing Rc.B.110/2017, dated 12.01.2017, issued by the Revenue Divisional Officer, Kavali, within a period of two weeks from the date of receipt of a copy of this order and thereafter, it is open for the Revenue Divisional Officer to proceed with the enquiry pursuant to the show-cause notice and complete the same. This exercise shall be completed within a period of six weeks thereafter. Till the said exercise is completed, no permanent arrangement shall be made with regard to the subject Fair Price Shop.

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

17.02.2017
SS

A.V.SESHA SAI, J