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

WRIT PETITION No.1368 of 2017

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the charge memo bearing Rc.No.3966/2016-B, dated 20-06-2016 issued by the Revenue Divisional Officer, Narsaraopet and the order of suspension of the authorization vide proceedings Rc.No.3966/2016-B, dated 23-07-2016.

Heard, Sri B. Shiva Kumar, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

According to the petitioner, he was appointed as Fair Price Shop Dealer, shop No.5, situated at Chilakaluripet town and mandal, Guntur district in the year 1993 and he applied for renewal of authorization and by considering the same, the authorities are supplying the essential commodities to the petitioner. Earlier, Revenue Divisional Officer, Narsaraopet vide order bearing Rc.No.5030/2014-B, dated 10-10-2014 suspended the authorization of the petitioner and assailing the said order the petitioner herein filed W.P.No.3231 of 2015 before this Court. This Court, on 16-02-2015 in W.P.M.P. No.4301 of 2015 in W.P.No.3231 of 2015 granted interim suspension of the said order and gave liberty to the respondents to conduct enquiry against the petitioner and pass final orders, in accordance with law. According to the learned counsel for the petitioner, the said writ petition is pending consideration before this Court. While things stood thus, on the basis of the report of the Deputy Tahsildar (CS), Vinukonda, Narasaropet Division dated 13-06-2016 the Revenue Divisional Officer, Narsaraopet – 4th respondent herein issued a Charge Memo vide Rc.No.3966/2016-B, dated 20-06-2016.

According to the petitioner, he submitted an explanation to the said show cause notice on 11-07-2016, denying the charges contained in the said charge memo. The case of the petitioner as submitted by learned counsel for the petitioner is that without considering the said explanation offered by the petitioner herein the Revenue Divisional Officer, Narsaraopet suspended the dealership of the petitioner herein temporarily. It is further submitted by learned counsel for the petitioner that despite submission of the said explanation, dated 11-07-2016 no final orders have been passed so far by the Revenue Divisional Officer. It is further submitted that the enquiry is pending before the Revenue Divisional Officer. It is further submitted by learned counsel for the petitioner that in view of the suspension of dealership of the petitioner herein the respondent authorities are proceeding with the process of appointing a dealer on regular basis and if the same is permitted the petitioner will be put to irreparable loss and hardship.

On the other hand, it is submitted by learned Government Pleader that enquiry is pending before the Revenue Divisional Officer.

According to the learned counsel for the petitioner, though the Revenue Divisional Officer issued charge memo as long back as on 20-06-2016 and the petitioner herein filed explanation on 11-07-2016 no final orders have been passed so far and in view of the same, the petitioner herein is put to irreparable loss and hardship.

Having issued charge memo in the month of June, 2016 and having received the explanation, dated 11-07-2016 this Court does not find any justification on the part of the Revenue Divisional Officer in not passing any final orders in this matter. Therefore, taking into consideration the submissions of learned counsel for the petitioner and having regard to the nature of controversy, this Court is of the considered opinion that the ends of justice would be served if the Revenue Divisional Officer is directed to pass appropriate orders by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the Revenue Divisional Officer, Narsaraopet, Guntur district – 4th respondent herein to pass final orders pursuant to the charge memo, dated 20-06-2016 after giving notice and opportunity of being heard to the petitioner herein. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. It is also made clear that in the event of failure to do so, the respondents shall supply essential commodities to the petitioner.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESHA SAI, J

January 17, 2017

Pn

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

<u>WRIT PETITION No.1368 of 2017</u>

January 17, 2017

Pn