

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 3162 of 2015

ORDER:

- 1) The present writ petition came to be filed with the following prayer:

“issuance of writ of mandamus declaring the proceedings issued by the third respondent in RCF/392/2012, dated 14.02.2012 suspending Fair Price Shop Dealership Authorisation of the petitioner and the consequent action of respondents 3 and 4 in not restoring the F.P.Shop Dealership Authorisation of the petitioner; not releasing and supplying the essential commodities in favour of the petitioner after period of 90 days of suspension is over, so as to enable the petitioner to continue and distribute the essential commodities to the cardholders of F.P.Shop No.17(A), Kalikivai Village, Sngarayakonda, Prakasham District, pending finalization of the disciplinary proceedings pending before the 3rd respondent, as arbitrary, malafide, illegal, improper and violative of statutory provisions of law; and consequently *set aside* the said order and direct respondents 3 and 4 to restore the F.P.Shop Dealership Authorisation of petitioner and release the essential commodities in favour of the petitioner.”

- 2) The facts in issue are as under:

The petitioner has been appointed as permanent F.P.Shop Dealer of shop No.17(A) of Kalikivai Village, Sngarayakonda Mandal, Prakasham District about 7 years back. He received essential commodities for the month of January, 2012, distributed the same to the cardholders and the remaining stock was kept in

tact in the premises. On 21.01.2012 the Tahsildar, Singarayakonda, along with his staff, made a surprise visit to the shop of the petitioner along with his staff basing on some false complaint. He inspected the ground stock available in the F.P.Shop with reference to the stock registers, sales register and found them to be correct except some small and permitted variations. But, the inspecting officials prepared a panchanama, dated 21.01.2012, with false recitals; seized the entire ground stock available in the F.P.Shop and initiated proceedings under Section 6-A of the Essential Commodities Act. Basing on the report of the Tahsildar, the 3rd respondent issued show-cause notice, calling for the explanation of the petitioner. The petitioner submitted his detailed explanation and requested the 3rd respondent to furnish the copies of reports and other records submitted by the inspecting officials, but no documents are furnished to him. Later, the 3rd respondent suspended the dealership of the petitioner for a period of 90 days. On 22.01.2015 the petitioner submitted a representation to the 3rd respondent to restore the F.P.Shop dealership authorization and direct the 4th respondent to allot the essential commodities in his favour from January, 2015 onwards, but there was no response. Hence, the writ petition.

3) A counter came to be filed opposing the same. In para No.9 of the counter, it has been stated that a notice was issued to the petitioner on 19.02.2015 providing an opportunity of personal hearing on 25.02.2015 before the disciplinary authority to

represent his case along with supporting material, but the petitioner refused to receive the notice. Without receiving the notice, the petitioner filed the present writ petition. In view of the above, it is contended that a direction may be given to complete the enquiry at the earliest.

4) Having regard to the circumstances stated above and without going into the merits of the case, the present writ petition is disposed of directing the 3rd respondent to conduct enquiry, and complete the same as early as possible, preferably, within a period of six (06) weeks from the date of receipt of a copy of the order in accordance with law. Till such time *status quo* as on today shall be maintained. It is made clear that no further notice shall be given to the petitioner and the learned counsel for the petitioner submits that he will inform his client to find out the dates and attend the enquiry.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

08.03.2017
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