

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

WRIT PETITION No.7580 OF 2017

ORDER:

This writ petition filed, under Article 226 of the Constitution of India, challenges the order of suspension of fair price shop authorization of the petitioner, passed by the Revenue Divisional Officer, Gadwal – 3rd respondent herein, vide proceedings No.H/1821/2016, dated 29.06.2016.

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

3. Petitioner herein is a fair price shop dealer of Shop No.9 (Puduru Shop No.2), Veerapuram Village, Gadwal Revenue Division. Followed by a show-cause notice issued by the Revenue Divisional Officer, Gadwal, vide proceedings No.H/1821/2016, dated 25.05.2016 and an explanation submitted by the petitioner on 14.06.2016, the 3rd respondent passed an order, which is impugned in the present writ petition, suspending the authorization of the petitioner pending enquiry.

4. According to the learned counsel for the petitioner, continuation of the petitioner under suspension without concluding the enquiry is impermissible and is highly illegal and arbitrary. It is further submitted that in the facts and circumstances of the case, the impugned action of suspension

of authorization is impermissible and that having called for the explanation, the Revenue Divisional Officer is not justified in keeping the issue pending.

5. On the contrary, it is submitted by the learned Government Pleader that since the enquiry is pending before the Revenue Divisional Officer, the present writ petition filed by the petitioner herein is not maintainable and the petitioner herein needs to face the enquiry.

6. In the instant case, admittedly, the Revenue Divisional Officer, Gadwal, passed the questioned order as long back as on 29.06.2016. It is also a reality that the enquiry is not concluded so far. Having called for the explanation and having received the same, this Court does not find any justification on the part of the Revenue Divisional Officer to keep the enquiry pending since June 2016.

7. Having heard 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 3rd respondent is directed to conclude the enquiry initiated pursuant to the show-cause notice dated 25.05.2016, within a timeframe.

8. For the aforesaid reasons, this writ petition is disposed of, directing the Revenue Divisional Officer, Gadwal – 3rd respondent herein to pass appropriate final orders,

pursuant to the show-cause notice bearing No.H/1821/2016, dated 25.05.2016, after considering the explanation submitted by the petitioner and after giving notice and opportunity of hearing to the petitioner herein, within a period of one month from the date of receipt of a copy of this order. If no orders are passed within the time stipulated above, the petitioner herein shall be permitted to lift the stock pertaining to the subject fair price shop.

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

06.03.2017
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A.V.SESHA SAI, J