

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

WRIT PETITION No.9201 OF 2017

ORDER:

This writ petition filed under Article 226 of the Constitution of India challenges the order of suspension of the authorization of the fair price shop of the petitioner issued by the Revenue Divisional Officer, Adoni *vide* proceedings Rc.M.634/2017, dated 20.02.2017.

2. Heard Sri K.V.Raghuveer, learned counsel for the petitioner, and the learned Government Pleader for Civil Supplies appearing for the respondents.

3. The R.D.O., Adoni/respondent No.3 herein issued a show cause notice *vide* Rc.M.634/2017, dated 06.02.2017, pointing out certain irregularities in distribution of the commodities to the cardholders basing on a complaint made by the cardholders. In response to the said show cause notice, the petitioner herein submitted an explanation on 16.02.2017. Respondent No.3, *vide* order under challenge, suspended the authorization of the fair price shop of the petitioner herein, pending enquiry.

4. The case of the petitioner, as advocated by the learned counsel for the petitioner, is that in the facts and circumstances of the case, the order of suspension is not warranted and the said order of suspension is opposed to the very spirit and object of the A.P. State Public Distribution System Control Order, 2008.

5. On the contrary, it is submitted by the learned Government Pleader that the writ petition is not maintainable under Article 226 of the Constitution of India in view of availability of alternative remedy of appeal to the Joint Collector against the order of suspension under the Control Order. He further submitted that the allegations against the petitioner are grave in nature. As such, the petitioner herein is not entitled for the relief sought for under Article 226 of the Constitution of India.

6. Having regard to the allegations levelled against the petitioner herein in the show cause notice and having regard to the submissions made by the learned counsel for the petitioner, this Court is of the considered view that the ends of justice would be served if the R.D.O., Adoni is directed to conduct the enquiry and conclude the same by fixing some time.

7. For the aforesaid reasons, the Writ Petition is disposed of, directing the Revenue Divisional Officer, Adoni/respondent No.3 herein to complete the enquiry initiated against the petitioner pursuant to the show cause notice *vide* proceedings Rc.M.634/2017, dated 06.02.2017, by considering the explanation, dated 16.02.2017, submitted by the petitioner after giving notice and opportunity of hearing to the petitioner within a period of two (2) months from the date of receipt of a copy of this order. It is made clear that in the even of non-completion of the enquiry as directed above, the petitioner herein is entitled to lift the stocks. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 20.03.2017
AMD



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