

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

WRIT PETITION No.4536 of 2017

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the suspension of authorization and show cause notice issued by the Revenue Divisional Officer, Kodad Division, third respondent, vide proceedings No.D/406/2016, dated 05.01.2017.

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

It is submitted by the learned counsel for the petitioner that the order under challenge is highly illegal, arbitrary and violative of Article 14 of the Constitution of India and opposed to the very spirit and object of the provisions of the Andhra Pradesh State Public Distribution System (Control) Order, 2008. It is also submitted by the learned counsel that mere registration of FIR No.149 of 2016 on 19.11.2016 cannot be the ground for suspending the fair price shop authorization of the petitioner, in the absence of any irregularity on the part of the petitioner.

On the contrary, it is submitted by the learned Government Pleader that since a criminal case is pending against the

petitioner, the respondent authorities are completely justified in keeping the fair price shop authorization of the petitioner under suspension under Clause 2(5) of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (Annexure-I). The said provision of law reads as under:

“The authorization issued under the order shall be liable for suspension or cancellation as the case may be, if the fair price shop dealer/nominated retailer/hawker is involved in any criminal case or when any case under Essential Commodities Act, 1955 or any other similar law is pending against him/her.”

The above Clause undoubtedly justifies the action of the third respondent in keeping the fair price shop authorization of the petitioner under suspension.

In view of the above, this Court does not find any valid reason to meddle with the order impugned in the present Writ Petition.

For the aforesaid reasons, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

9th FEBRUARY, 2017.

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