

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.11740 of 2017

ORDER:

The petitioner was appointed as permanent Fair Price Shop Dealer in respect of Shop No.1216012 of N. Gundlapalli Village, Beluguppa Mandal, Anantapur District, in the year 2000. While so, based on a report submitted by the 5th respondent – Regional Vigilance and Enforcement Officer, Anantapur District, the 3rd respondent – Revenue Divisional Officer, Kalyandurg, issued a show cause notice dated 13.03.2017, asking the petitioner to show cause within seven days as to why her Fair Price Shop Dealership should not be cancelled for the alleged lapses pointed out in the show cause notice. In response to the said show cause notice, the petitioner herein submitted her explanation dated 26.03.2017, denying all the allegations and the same is pending consideration before the 3rd respondent – Revenue Divisional Officer.

2. According to the learned counsel for petitioner, in the facts and circumstances of the case, the action of the respondents in keeping away the petitioner from lifting the stock is highly unwarranted and cannot be sustained in the eye of law. The learned counsel would further submit that the variations pointed out in the stock are also very minimal and

hence the same cannot be a ground for resorting to the impugned action of suspending the authorization of the petitioner's Fair Price Shop Dealership pending enquiry.

3. On the other hand, on instructions, it is submitted by the learned Government Pleader for Civil Supplies that during the course of inspection, the Inspecting Team noticed that 697 litres of Kerosene oil was delivered to the petitioner's Fair Price Shop on 09.03.2017, but the Fair Price Shop Dealer obtained the signatures of the card holders in advance fraudulently in respect of the Kerosene oil as if it was distributed to the card holders, though she did not distribute the same, thus the Dealer contravened Clause 17(a) and (b) of A.P. Public Distribution System (Control) Order, 2008.

4. Having heard learned counsel for the respective parties, as the enquiry is still pending consideration before the 3rd respondent – Revenue Divisional Officer, this Court deems it appropriate to direct the 3rd respondent – Revenue Divisional Officer to complete the enquiry by taking into consideration the explanation submitted by the petitioner and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It is further made clear that if the said enquiry is not completed within the above stipulated period, the petitioner is entitled to lift the stocks.

5. With the above direction, the writ petition is disposed of. As a sequel, Miscellaneous Petitions pending consideration, if any, in the Writ Petition shall stand closed. No order as to costs.

JUSTICE A.V. SESA SAI

24.04.2017.
Msr



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, and authorization was issued to him under Clause 5(5) of the A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order, 2001.

