

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.11877 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 3 in issuing the Order in Proceedings No.C3/1264/2017, dated 13-03-2017 suspending the Authorization of petitioner's Fair Price Shop No. 9, D.No. 3-7-182/42/2, Sundaraiah Nagar, Khammam Town, Khammam District, as illegal, arbitrary and in violation of principles of Natural Justice and set-aside the same, consequently direct the respondent No. 3 to restore the Authorization of petitioner's Fair Price Shop No. 9, at D.No. 3-7-182/42/2, Sundaraiah Nagar, Khammam Town, Khammam District, forthwith by supplying the essential commodities to his fair price shop as it is to distribute the same to the ration card holders and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. I have perused the material available on record.

3. According to the petitioner, his father Sri R. Satyanarayana was appointed as a Dealer of Fair Price Shop No.9, at D.No.3-7-182/42/2, Sundaraiah Nagar, Khammam Town, Khammam District, long back. Consequent upon his death in the year 2012, the petitioner herein was appointed as Dealer of the above said Fair Price Shop on compassionate grounds. Followed

by a show cause notice, dated 27.02.2017, and submission of explanation by the petitioner on 04.03.2017, pursuant to the report filed under Section 6-A of the Essential Commodities Act, 1955, the Revenue Divisional Officer, Khammam (3rd respondent) passed an order vide Rc.No.C3/1264/2017, dated 13.03.2017, suspending the authorisation of the petitioner herein under Clause 4(4) & (5) of the Annexure-I to the TSPDS Control Order, 2016. The said order is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, in the facts and circumstances of the case, the suspension of authorisation is unwarranted and as the variations are small and minimal, the Revenue Divisional Officer grossly erred in resorting to the drastic action of suspension of the authorisation.

5. On the other hand, it is submitted by the learned Government Pleader that there is no illegality nor there exists any infirmity in the impugned action and as such, the same is not amenable for any judicial review under Article 226 of the Constitution of India.

6. Admittedly in the present writ petition, as against the orders impugned in the present writ petition, the petitioner herein filed an appeal on 17.03.2017 before the Joint Collector (CS), Khammam (2nd respondent). Along with the said appeal, the petitioner herein also filed an application seeking stay. The said appeal is pending consideration before the 2nd respondent.

7. Except stating that the explanation offered by the petitioner herein is not satisfactory, the Revenue Divisional Officer did not consider the contents of the said explanation.

8. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court is of the view that the ends of justice would be served, if the Joint Collector (CS), Khammam District (2nd respondent) is directed to pass appropriate orders on the appeal, dated 17.03.2017, said to have been filed by the petitioner herein against the order of suspension, dated 13.03.2017, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till the disposal of the said appeal, there shall be stay of operation of the order of suspension passed by the Revenue Divisional Officer, Khammam District (3rd respondent) vide Proceedings Rc.No.C3/1264/2017, dated 13.03.2017.

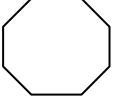
9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

A.V.SESHA SAI, J

Date: 28th April, 2017

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