

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

WRIT PETITION No.3606 of 2017

ORDER:

This writ petition, filed under Article 226 of Constitution of India, challenges the order of suspension of fair price shop authorization of the petitioner vide proceedings Rc.No.D1CS/2517/2016, dated 25-11-2016 issued by the Revenue Divisional Officer, Ananthapuramu.

Heard, Sri N. Ranga Reddy, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

Followed by a show cause notice, dated 17-11-2016 and submission of explanation by the petitioner, the Revenue Divisional Officer passed the order under challenge, suspending the authorization of the petitioner, pending enquiry.

According to the learned counsel for the petitioner, in the facts and circumstances of the case the order of suspension is un-warranted and is highly illegal and arbitrary and opposed to the Control Order, 2008. It is further submitted that since the variations are very small the Revenue Divisional Officer ought not to have resorted to the impugned action of suspension of authorization.

On the other hand, it is submitted by learned Government Pleader appearing for the respondents that since the enquiry is pending before the Revenue Divisional Officer, the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India. It is further submitted that in the instant case since the variations are high, the petitioner herein is not entitled for any relief from this Court, pending enquiry before the Revenue Divisional Officer. It is further submitted that the alternative arrangements have been made in respect of the subject fair price shop.

Having regard to the submissions made by learned counsel for the petitioner and learned Government Pleader and as the enquiry is pending before the Revenue Divisional Officer, this Court is of the considered opinion that the ends of justice would be served if the Revenue Divisional Officer, Ananthapuramu – 2nd respondent is directed to conclude the enquiry within a timeframe.

For the aforesaid reasons, the writ petition is disposed of, directing the Revenue Divisional Officer – 2nd respondent to pass final orders on the enquiry initiated pursuant to the show cause notice bearing Rc.No.D1CS/2517/2016, dated 17-11-2016 after giving notice and opportunity of hearing to the petitioner herein within a period of two (2) months from

the date of receipt of a copy of this order. Till the said exercise is completed, no permanent arrangement as regards the subject fair price shop shall be made.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

February 02, 2017

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