

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.36346 OF 2017

ORDER

Petitioner is a dealer of fair price shop No.26, J.Kothapalli Village, C.K.Dinne Mandal, Y.S.R. Kadapa District. In this writ petition, she challenges the proceedings of the 3rd respondent – Revenue Divisional Officer in Ref.No.C/493/2017 dated 25.07.2017 in suspending her dealership pending enquiry.

The learned counsel for the petitioner submits that even though ninety days period has elapsed from the date of issuance of suspension order, the 3rd respondent has not passed any final order and that keeping the dealership of the petitioner under continuous suspension, is illegal. Relying on the judgment of this court in ***M.VENKATA RAMAIAH v. JOINT DISRICT COLLECTOR (CS), ANANTAPUR***¹, he submitted that the maximum period of suspension of authorization of a dealer can be for a period of ninety days. In the present case, as no final order has been passed even after lapse of ninety days, the impugned order cannot be sustained.

On instructions, the learned Assistant Government Pleader for Civil Supplies by producing a copy of the show-cause notice issued on 1.11.2017 submits that the petitioner is not co-operating with the inquiry.

When the show cause notice is said to be dated 1.11.2017, it is not known, how the respondents can make such an allegation against the petitioner that she is not co-operating, on the very next day. However, pursuant to the impugned order dated 25.07.2017, the Revenue Divisional Officer has not passed any final order and the period of ninety days, within which he is required to pass order, has already elapsed. In these circumstances, continuing the

¹ 2014(2) ALD 492

impugned order of suspension, cannot be sustained and the same is accordingly set aside.

The writ petition is allowed. No costs.

It is made clear that this order will not preclude the competent authority from taking appropriate action in accordance with law in pursuance of show cause notice dated 1.11.2017.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:02.11.2017
avs

