

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.43853 OF 2017

ORDER:

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

“to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the order in Rc.C.3320/2017, dt.06.12.2017 issued by the Revenue Divisional Officer, Nellore, the 3rd respondent herein keeping the authorization of the petitioner Fair Price Shop No.88, Nellore Town and Mandal, under provisional suspension and further inaction of the 2nd respondent in passing orders either in appeal or in stay petition filed by the petitioner against the above said order as illegal, arbitrary, unjust and contrary to the provisions of A.P. State Public Distribution System (Control) Order, 2008 and also violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and set aside the order of the 3rd respondent and to pass.”

2. Learned counsel for the petitioner submits that on the authentication of the Village Revenue Officer only the petitioner has supplied stocks and the petitioner cannot be faulted.

3. Learned Assistant Government Pleader submits that stocks were released in the name of Orphans, who died and it is further submitted that, while suspending fair price shop

authorization of the petitioner, pending enquiry, a show-cause notice is also issued and the petitioner can submit his explanation to the same. At this juncture, it is the submission of the learned counsel for the petitioner that the petitioner herein has already submitted his explanation to the said show-cause notice on 15.12.2017.

4. Since impugned order is issued suspending fair price shop authorization pending enquiry and the truth or otherwise of allegations have to be gone into the enquiry, this Court is not inclined to interfere with the impugned orders at this stage.

5. In view of the above, without going into merits and demerits of the matter, this writ petition is disposed of, directing the 3rd respondent to consider the explanation submitted by the petitioner and pass appropriate orders, after giving notice and opportunity of hearing, within a period of six weeks from the date of receipt of a copy of this order.

6. Miscellaneous petitions pending consideration, if any, in this writ petition shall stand closed as a consequence. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

22.12.2017
SS