

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.44043 OF 2017

ORDER:

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

“to issue a writ or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in suspending the authorization of the petitioner vide proceedings Rc.No.594/2017-C, Dt.06.12.2017 is illegal, arbitrary and in violation of principles of natural justice and consequently set aside the same.”

2. It is the submission of the learned counsel for the petitioner that 2nd respondent, while making vague allegations, issued show-cause notice dated 27.10.2017 and an explanation to the said show-cause notice was submitted on 31.10.2017. It is further submitted that without considering the explanation submitted by the petitioner and without giving any opportunity of hearing, the 2nd respondent passed final orders on 06.12.2017 suspending fair price shop authorization of the petitioner.

3. Having considered the entire material on record and the submissions made by the learned counsel for the petitioner, this Court is of the opinion that explanation filed by the petitioner is not considered in proper perspective while

passing impugned order, as such, the same is liable to be set aside.

4. Accordingly, this writ petition is allowed, setting aside the suspension order issued by the 2nd respondent and the 2nd respondent is directed to consider the matter afresh and pass appropriate orders by considering the explanation submitted by the petitioner on 31.10.2017 and also after giving opportunity of hearing, in accordance with law.

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

A.RAJASHEKER REDDY, J

22.12.2017
SS

