

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1671 of 2018

ORDER:

Challenging the proceedings, dated 10.01.2018, issued by the 3rd respondent-Revenue Divisional Officer, Tenali Division, suspending the authorization of the petitioner as Fair Price Shop Dealer of Shop No.0789004 at Upparapalem, Bapatla Town and Municipality, Guntur District, the Writ Petition is filed.

The contention of the learned counsel for the petitioner is that the 3rd respondent issued a show cause notice calling for explanation from the petitioner as to why the authorization granted in her favour should not be cancelled for the irregularities alleged to have been found by the 4th respondent-Tahsildar during the inspection, the respondent authorities have not taken into consideration the explanation offered by the petitioner. He would submit that the Tahsildar has not examined the cardholders before suspending the petitioner's authorization. Inasmuch as, the 3rd respondent had already issued notice, for which explanation has been submitted by the petitioner and inasmuch as enquiry is to be conducted, accordingly, meanwhile, the suspension order dated 10.01.2018 may be suspended.

Learned Government Pleader for Revenue (AP) opposed the Writ Petition on the ground that there cannot be suspension of the order of suspension pending enquiry and it is only on the merits of the case, that too after considering the explanation submitted by the petitioner before the authority during the enquiry.

Having considered the respective submissions, this Court is not being an appellate authority and there being no violation of any

of the procedure contemplated, the Writ Petition is not maintainable, particularly, when the petitioner has alternative remedy before the authorities under the relevant Control Orders. Apart from that, the allegations and counter-allegations made by the parties cannot be enquired into by this Court in exercise of its power under Article 226 of the Constitution of India.

However, considering the reservation expressed by the petitioner that the 3rd respondent shall not complete the enquiry without considering the explanation submitted by her, the Writ Petition is disposed of with a direction to the 3rd respondent to complete the enquiry within a period of eight weeks from the date of receipt of a copy of this order, after considering the explanation submitted by the petitioner and pass orders in accordance with law. No order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 06.02.2018.

Note: Issue CC in 2 days.

B/o
Ssv