

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1898 of 2018

ORDER:

The short issue involved in the present Writ Petition is that alleging certain irregularities, the authorization of the petitioner Fair Price Shop dealer, was suspended by the second respondent – Revenue Divisional Officer, Guntur, vide order in Rc.No.3723/2017-B, dated 11.08.2017. Simultaneously, the petitioner was issued a show cause notice, dated 11.08.2017 in terms of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (for short 'the Control Order'), as to why his authorization shall not be terminated. Thereupon, he submitted his explanation. In spite of the same, neither any enquiry was conducted nor passed final orders.

Learned counsel for the petitioner contends that in terms of the Control Order, suspension cannot be beyond the period of 90 days. He places reliance on the judgment of this Court in **K. Nirmala v. Revenue Divisional Officer, Anantapur**¹.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

¹ 2013(1) ALT 339

In Clause 5(6) of the Control Order, there is no time limit specified. However, a suspension pending enquiry cannot be *ad infinitum* and there is a duty cast on the authority to conduct enquiry and pass appropriate orders as suspension of the authorization of a dealer for an indefinite period directly affects the fundamental right of a dealer under Article 19(1)(g) of the Constitution of India depriving his livelihood.

In those circumstances, considering the fact that pursuant to the show cause notice, dated 11.08.2017, the petitioner submitted his explanation on 21.08.2017, inasmuch as the authorization of the petitioner was suspended on 11.08.2017 pending enquiry and taking cue from the earlier provision, wherein 90 days time was stipulated as it was considered to be reasonable at relevant point of time, this Court deems it appropriate to set aside the order passed by the second respondent vide Rc.No.3723/2017-B, dated 11.08.2017 while issuing directions to the second respondent to conduct enquiry pursuant to the show cause notice of even date, complete the same and pass final orders on merits, by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is allowed by setting aside the order, dated 11.08.2017 passed by the second respondent vide Rc.No.3723/2017-B.

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

CHALLA KODANDA RAM, J

24th JANUARY, 2018.

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