

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4629 of 2018

ORDER:

This Writ Petition is filed challenging order, dated 03.02.2018 passed by the third respondent – Revenue Divisional Officer, Anakapalli, Visakhapatnam District, suspending petitioner's authorization pending enquiry, in respect of fair price shop bearing No.0333076, Rongalavanipalem Village, Anakapalli Mandal, Visakhapatnam District.

Learned counsel for the petitioner submits that the third respondent suspended the petitioner's authorization pending enquiry on a flimsy ground that the petitioner is distributing essential commodities to the cardholders with less weightment and that as on date, no show cause notice has been issued to the petitioner proposing to conduct enquiry.

Learned Government Pleader for Civil Supplies opposes the Writ Petition and submits that the impugned order is only a suspension pending enquiry and at any rate, the same was dated 03.02.2018 only and that the respondent authorities would take necessary steps for issuance of show cause notice and conducting enquiry by following due procedure.

Having considered the above and having perused the material on record, it is to be noted that it is not the case of the petitioner that the third respondent lacks jurisdiction or there are mala fides on the part of the third respondent in passing the impugned order. The truth or otherwise of the allegations levelled against the petitioner and gravity of the same cannot be the subject matter of the Writ Petition, that too, in suspension pending enquiry cases. Therefore, this Court is not inclined to entertain the present Writ Petition.

Accordingly, the Writ Petition is dismissed. It is needless to mention that suspension pending enquiry deprives the petitioner's right to carry on the business and it would likely to affect his right to livelihood guaranteed under Article 19(1)(g) of the Constitution of India, as such, the respondent authorities shall expeditiously take steps to issue show cause notice to the petitioner, conduct necessary enquiry and pass appropriate orders on merits, by duly following the procedure.

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

CHALLA KODANDA RAM, J

14th FEBRUARY, 2018.
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