

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9908 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (A.P.) appearing for the respondents.

2. An order of suspension of fair price shop authorization of the petitioner herein passed by the District Supply Officer (City), Visakhapatnam *vide* proceedings Rc.No.36/2018/CSC-1, dated 03.03.2018, is under challenge in the present writ petition.

3. According to the petitioner, he is a permanent dealer of fair price shop No.0386419 of Papaiahrajupalem area of Circle-I, Visakhapatnam. The District Supply Officer, Visakhapatnam, respondent No.3 herein, issued a show cause notice bearing Rc.No.36/2018/CSC-I, dated 03.03.2018, framing the following two charges against the petitioner herein:

“Charge No.1: That the respondent dealer has failed to maintain true and correct accounts of the business and thereby the respondents violated clause 22(viii) of the APPDS Control Order 2008.

Charge No.2 : That the variations in the stock establish that the respondent dealer by making fictitious entries in the record is accumulating the rice and sugar stock with an intention to divert the same at a later and thereby the respondent violated clause 17(a)(b)(c) of APPDS Control Order 2008.”

Simultaneously, by way of the order under challenge, respondent No.3 placed the authorization of the petitioner under suspension pending enquiry.

4. According to the learned counsel for the petitioner, the impugned action is highly illegal, arbitrary and unreasonable and opposed to the Andhra Pradesh State Public Distribution System (Control) Order, 2008. It is further submitted by the learned counsel that respondent No.3 did not take into consideration the ground realities in the matter and respondent No.4 also entrusted fair price shop No.0386099 to the petitioner on in-charge basis on 05.09.2017.

5. On the other hand, it is submitted by the learned Government Pleader that respondent No.3 passed the impugned order suspending the authorization of the petitioner herein pending enquiry only and it is open for the petitioner herein to submit explanation to the show cause notice. It is further submitted by the learned Government Pleader that in view of the gravity of the allegations in the show cause notice, the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India.

6. Since there is a large variation in the stocks as per the show cause notice, this Court is not inclined to entertain the present writ petition. However, it is open for the petitioner herein to submit an explanation to the show cause notice, dated 03.03.2018, within a period of two (2) weeks from the date of receipt of a copy of this order. After receipt of the said explanation,

respondent No.3 herein shall conduct enquiry and pass appropriate orders as expeditiously as possible.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

Date : 10.04.2018

Note:- Furnish C.C. in two (2) days.

B/O
AMD



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Date: 10.04.2018

AMD