

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10948 of 2018

ORDER:

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

The alleged inaction on the part of the respondents, in not passing any orders for release of the essential commodities to the petitioner's Fair Price shop No.122 of Kurnool, is under challenge in the present Writ Petition.

The authorisation of the petitioner was suspended on 16.11.2016 by the competent authority and, thereafter, the Revenue Divisional Officer, Kurnool-fifth respondent herein passed an order, vide proceedings in Rc.B.1288/2016, dated 08.01.2018, directing restoration of the authorisation of the petitioner, subject to the final technical report of the Deputy Director (IT) office of the Commissioner, Civil Supplies of Andhra Pradesh and the outcome of the criminal case filed in Cr.No.47/2016, while imposing penalty of Rs.5000/- with a warning to distribute the essential commodities to the card holders as per Rules.

It is submitted by the learned counsel for the petitioner that, despite the said orders, the essential commodities are not

being released to the petitioner herein for necessary distribution to the card holders.

Today, when the matter is taken up, on written instructions from the office of the District Supply Officer, Kurnool, it is submitted by the learned Government Pleader that the Commissioner, Civil Supplies, A.P., Vijayawada directed the Joint Collector, Kurnool to examine the cases *suo motu* under Clause 5 (15) of the A.P.S.P.D.S. (Control) Order, 2008 (for brevity, 'Control Order'), on finding that the restoration orders passed by the Revenue Divisional Officer, Kurnool are not in consonance with the provisions of the Control Order. It is further submitted by the learned Government Pleader that the Joint Collector is now initiating proceedings under sub-Clause (15) Clause 5 of the Control Order.

Admittedly, the order passed by the Revenue Divisional Officer, ordering restoration of authorization of the Fair Price shop, is subsisting as on today and it is neither cancelled nor modified under the Control Order. Therefore, this Court does not find any justification on the part of the respondents in not supplying the stock to the petitioner for supply of the same to the card holders.

For the aforesaid reasons, the Writ Petition is disposed of, directing the respondents to release the commodities in favour of the petitioner herein for distribution of the same to the card holders as per law. However, it is open for the respondent authorities to proceed strictly in accordance with law while initiating the action, as mentioned supra, under Clause 5 (15) of the Control Order. This order is subject to the final order to be passed by the respondent authorities as indicated above. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions in this Writ Petition, if any, shall stand closed.

23rd April, 2018
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A.V.SESHA SAI,J

