

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

WRIT PETITION No.11271 of 2018

ORDER:

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

The order of suspension of authorisation of the petitioner's Fair Price shop No11, K.S.Ramavaram village, Kamavarapukota Mandal, West Godavari District, passed by the second respondent vide proceedings in Roc.e-1169671/2018/C dated 22.01.2018, is under challenge in the present Writ Petition.

According to the petitioner herein he is the dealer of the above said Fair Price shop and he has been running the said shop for the past ten years without any complaint. The Revenue Divisional Officer, Eluru-second respondent herein issued a show cause notice bearing Roc.C-1169671/2018/C, dated 22.01.2018, alleging the following lapses on the part of the petitioner herein:

- 1. There is shortage of 724 Kgs of PDS rice.*
- 2. There is excess of 46 Kgs of sugar.*
- 3. The dealer failed to maintain a true and correct records and thereby indulging in clandestine business by diverting the PDS commodities to the back market for his pecuniary gains.*
- 4. That the dealer failed to comply with the instruction of the Government and thus violated conditions 4 (i) & (ii), 12 and 14 of the authorisation.*

According to the petitioner, in response to the said show cause notice, he submitted an explanation on 30.01.2018. The complaint of the petitioner in the present Writ Petition is that the impugned suspension order is not warranted in view of the reasons assigned in the explanation, submitted by him, in response to the show cause notice.

On the other hand it is submitted by the learned Government Pleader that, having submitted an explanation to the show cause notice, it is not open for the petitioner herein to approach this Court, under Article 226 of the Constitution of India, questioning the impugned order of suspension pending enquiry.

Having heard the learned counsel for the petitioner, taking into consideration the submissions of the learned counsel for the petitioner and the learned Government Pleader, and as admittedly enquiry is pending before the Revenue Divisional Officer-second respondent herein and as the petitioner herein already submitted his explanation to the show cause notice, this Court deems it appropriate to dispose of the Writ Petition with a direction to the Revenue Divisional Officer, Eluru-second respondent herein to pass appropriate orders, pursuant to the show cause notice, dated 22.01.2018, by taking into consideration the explanation offered by the petitioner herein,

after giving opportunity of hearing to the petitioner herein, within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

04th April, 2018
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A.V.SESHA SAI,J

