

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39696 of 2018

ORDER:

This writ petition is filed assailing proceedings No.A5/355/2018, dated 10.09.2018, issued by the 2nd respondent, whereby the 2nd respondent suspended the petitioner's Fair Price Shop authorization on certain allegations and as proposed by the 3rd respondent.

I have heard the submissions of the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies(TG) appearing for the respondents.

Learned counsel for the petitioner submits that the variation in the stocks is only because of certain cardholders not lifting their stocks and, therefore, the stocks remained in the shop of the petitioner; that the impugned proceedings show that the suspension was passed on certain allegations, but it does not indicate whether suspension is pending enquiry or not; that when suspension of a Fair Price Shop authorization is ordered pending enquiry, no notice is required, but since the impugned proceedings do not indicate whether suspension is pending enquiry or not, the 2nd respondent ought to have issued a notice; and, that the impugned proceedings also do not indicate the period of suspension.

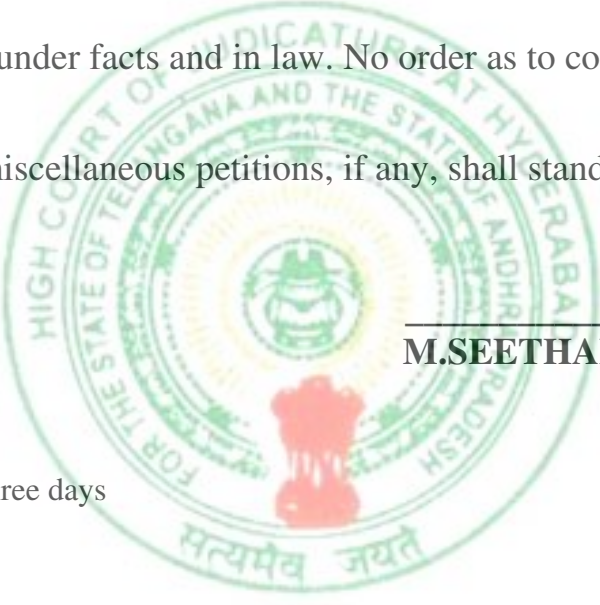
Learned Government Pleader for Civil Supplies submits that since the impugned order is only an interim suspension order, no notice is required.

Having regard to the facts & circumstances and the orders, which were passed in identical cases with similar facts (copies of which are placed

on record), this Court is of the considered view that valid and sufficient grounds are made out for granting the relief.

Accordingly, the writ petition is disposed of setting aside the impugned order and reserving liberty to the 2nd respondent to conduct enquiry into the allegations levelled against the petitioner and complete the same within a period of three months from the date of receipt of a copy of this order, however after giving an opportunity to the petitioner and following the procedure established by law. It is needless to state that during the course of enquiry, the petitioner is entitled to raise all contentions, permissible both under facts and in law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.



M.SEETHARAMA MURTI, J

05.11.2018

Note: Issue CC in three days

B/o

v v