

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39874 OF 2018

Date:06.11.2018

Between:

Mr. Chakali Narsanna, S/o. Linganna,
Hindu, aged about 47 years, Fair Price
Shop Dealer of Bailuppala Village,
R/o. Bailuppala Village, Gonegandla
Mandal, Kurnool District, State of
Andhra Pradesh

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Civil Supplies
Department, Secretariat, Velagapudi,
Vijayawada and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.39874 OF 2018****ORDER:**

Heard.

2. Petitioner is a Fair Price Shop Dealer of Bailuppala Village, Gonegandla Mandal, Kurnool District. By order dated 02.11.2018, his authorization was suspended and on the same day, by separate proceedings, a show cause notice was issued wherein it is alleged that petitioner is using unauthorized measuring units while distributing the commodities through electronic point of sale with electronic weighing scale. It appears that the Tahsildar, Gonegandla Mandal, Kurnool District, conducted inspection on 12.10.2018 based on the complaint received by him and submitted his report. The report of the Tahsildar is the basis for initiation of disciplinary action against the petitioner.

3. Learned counsel for the petitioner does not dispute that the District Collector (Civil Supplies) is the competent authority to initiate disciplinary action and to suspend the petitioner's Fair Price Shop dealership. Learned counsel sought to contend that the action initiated against the petitioner is in arbitrary manner and without any basis. He further submits that petitioner is a person with disability and such action was deliberately initiated only to harass him.

4. As noted above, the allegation is, using unauthorized measuring units while distributing the commodities. This is a matter which has to be gone into by the competent authority.

Hence, it is open to the petitioner to explain his stand. However, so far no explanation is filed by petitioner. Having regard to the fact that the District Collector (Civil Supplies) is the competent authority to initiate disciplinary action against petitioner, this Court is not inclined to go into the merits of the case. However, as learned counsel for the parties agree for disposal of the Writ Petition, the Writ Petition is disposed of with the following directions.

- (i) The District Collector (Civil Supplies), Kurnool District, shall supply a copy of the report, which was the basis for initiation of disciplinary action against the petitioner, to the petitioner within one week from the date of receipt of a copy of the order.
- (ii) On receiving such report, petitioner shall submit his explanation within one week thereafter.
- (iii) After receipt of the explanation from the petitioner, the District Collector (Civil Supplies) shall pass orders on consideration of the explanation offered by the petitioner by assigning due reasons in support of the decision within two weeks thereafter.
- (iv) If, for any reason not attributable to the petitioner, no orders are passed within the time fixed by the Court, the Fair Price Shop license shall be restored to the petitioner.

Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:06.11.2018

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