IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MS JUSTICE B. S. BHANUMATHI

WRIT PETITION NO: 2017 OF 2025

Between:

G. P. Sudhakar, S/o. Muneppa, aged 57 years, Occ: Fair Price Shop Dealer of Shop NO. 1320002 of Gonegandla Village and Mandal, Kurnool District, R/o. H No. 4-164, SC Colony, Gone Gandla Village Gonegandla Mandal, Kurnool District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Prl Secretary, Civil Supplies Department Secretariat, Velagapudi, Amaravathi.
2. The District Collector (Civil Supplies), Kurnool District, Kurnool.
3. The Joint Collector (Civil Supplies), Kurnool, Kurnool District.
4. The Sub Collector / Revenue Divisional Officer, Adoni, Kurnool District.
5. The Tahsildar, Gone Gandla Mandal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the impugned order in R.C.No 3142/2017 dated 19/1/2018 passed by the 4th respondent suspending the fair price shop of the petitioner to run the fair price shop no 3132002 situated at, Gonegandia Village and Mandal, Kurnool District is illegal, arbitrary, malafaied and contrary to provision of A.P Schedule commodities (TDDS) control order, 2018 a part from violation of the principles of natural justice by setting a side the same and consequently

direct the respondents to revoke the suspension order and continue my authorization to run the fair price shop no 1320002, Gonegadala Village, Gonegadala Mandal, Kurnool District in the invest of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned order RCM 3142/2017 Dated 19-01-2018 passed by the 4th respondent and consequently direct the respondents to supply the commodities to the petitioner to run as Fair Price Shop Dealer of Shop No. 1320002 situated at 4th Ward, Gonegandla Village and Mandal, Kurnool District by dropping all the proceedings initiated against the petitioner forthwith, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI BONU RAMA SHANKAR RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following: ORDER

APHC010039562025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3311]
(Special Original Jurisdiction)

WEDNESDAY ,THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 2017/2025

Between:

G P Sudhakar ...**PETITIONER**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1.BONU RAMA SHANKAR RAO

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

This Writ Petition under Article 226 of Constitution of India is filed for the following relief:

> "...to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring impugned order in R.C.No.3142/2017 dated 19/01/2018 passed by the 4th respondent suspending the fair price shop of the petitioner to run the fair price shop no. 3132002 situated at Gonegandla Village and Mandal, Kurnool District is illegal arbitrary, malafide and contrary to provision of A.P.State Targeted Public Distribution system (Control) order, 2018 apart from violation of the principles of natural justice by setting aside the

same and consequently direct the respondents to revoke the suspension order and continue my authorization to run the fair price shop no 1320002 Gonegadala Village, Gonegadala Mandal, Kurnool District and pass such other order or orders..."

2. The case of the petitioner is briefly as follows:

The petitioner is appointed as dealer of fair price shop No.1320002 of ward No.4 of Gonegondla village and mandal, Kurnool district on permanent basis. On 09.11.2017 surprisingly without issuing show cause notice conducted enquiry and received the E.P.O machine and balance stock. On 20.11.2017 show cause notice was issued to the petitioner basing on the report of 5th respondent/Tahsildar, Gonegandla village and mandal, Kurnool district alleging that there is variation of stock and to submit explanation. Due to local political pressure, the petitioner was obstructed from continuing as dealer and the 5th respondent was the in charge of the fair price shop due to which the petitioner is put to irreparable loss and hardship.

3. The learned counsel for the petitioner submitted that without there being any enquiry, an order of suspension cannot be in force for an indefinite period. He further submitted that an order of suspension of the authorization can be valid for a reasonable period of 90 days and beyond that, such order is illegal. In this regard he referred to ***Sandraboyina Guravaiav Vs. The State of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies Department, A.P. Secretariat, Hyderabad and others***[1],

3. At the hearing, Sri. A.V.V.S.N. Murthy, learned counsel for the petitioner, has placed reliance on the judgment of a learned Single Judge of this Court in ***D. Sambasiva Rao v. Joint Collector, Guntur***[2], in support of his submission that if the enquiry is not concluded by the

[1] (2015) 3 ALD 102 : (2015) 2 ALT 465
[2] 2005(1) ALD 847

licensing authority within 90 days, the suspension has to be revoked or set aside. I have carefully considered the said judgment.

4. A perusal of the said judgment shows that the learned Judge has observed that in ***Joint Collector, Kurnool v. A. Neelima***[3], a Division Bench of this Court has held that the maximum period of suspension of a dealer can be 90 days and that consequently, if the proceedings are not concluded by the Revenue Divisional Officer within 90 days, suspension has to be revoked or set aside.

5. I have perused the judgment of the Division Bench in Joint Collector (supra). In that case, a learned Single Judge of this Court has set aside the order of suspension based on the judgment of the Supreme Court in ***Sukhwinder Pal Bipan Kumar v. State of Punjab***[4] by holding that as per the ratio laid down in the said judgment, if the enquiry is not completed within 90 days, the suspension shall stand automatically revoked. The Division Bench analysed the facts in ***Sukwinder Pal Bipal Kumar*** (3 supra) and observed that in that case, the licence itself contained a clause that the suspension can be made for a maximum period of 90 days.

6. The Division Bench has accordingly clarified the order of the learned Single Judge to the effect that the order passed by him did not lay down the general proposition of law that the maximum period of suspension can only be for a period of 90 days. In that context, the Division Bench has made the following observation - But we must also rush to add that what is reasonable period of suspension will vary from case to case depending upon various factors, though more often than not, a period of 90 days should ordinarily be sufficient to conclude the enquiry.

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[3] 1996(1) APLJ 285
[4] AIR 1982 SC 65

On a careful analysis of the judgments in ***Sukwinder Pal Bipal Kumar (3 supra) and Joint Collector (supra)***, I respectfully disagree with the view of the learned Judge in **D.Sambasiva Rao (1 supra).** As noted hereinbefore, the Division Bench itself has clarified that no general proposition could be laid down that in every case, the maximum period of suspension could be only 90 days and that what is reasonable period of suspension may vary from case to case depending upon various factors.

This Court held that an order of suspension cannot be passed for an indefinite period. Usually, 90 days would be the reasonable period for conducting enquiry.

4. The learned Assistant Government Pleader submitted that previously this writ petitioner filed W.P.5581 of 2024 claiming that commodities have not been supplied without suspending or cancelling the dealership and therefore passed an order. The learned Assistant Government Pleader submitted that during the course of hearing of that writ petition, it was brought to the notice of this Court that the dealership of the petitioner had been suspended vide proceedings RCM 3142 of 2017 dated 19.01.2018 and therefore the petitioner withdrew the writ petition with liberty to file fresh petition challenging the said order and thus the present writ petition had been filed. However, he further stated that he had no instructions that final enquiry was held or not. He placed on record the written instructions of the Tahsildar, Gonegandla vide Rc.B.57/2025 dated 03.02.2025.

5. In view of the above circumstances and the ratio in the decision cited above, as the interim order of suspension of the authorization of the petitioner cannot be allowed to remain in force for such a long time, the **writ petition is disposed of** directing the appointing authority to conduct enquiry and pass appropriate order within one month from the date of receipt of copy of this

order, failing which the impugned order gets set aside without any further order.

There shall be no orders as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector (Civil Supplies), Kurnool District, Kurnool.
3. The Joint Collector (Civil Supplies), Kurnool, Kurnool District
4. The Sub Collector / Revenue Divisional Officer, Adoni, Kurnool District.
5. The Tahsildar, Gone Gandla Mandal, Kurnool District.
6. One CC to Sri Bonu Rama Shankar Rao, Advocate [OPUC]
7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
8. Three C.D. Copies.

Cnr

HIGH COURT

DATED:19/02/2025

ORDER

WP.No.2017 of 2025



DISPOSING OF THE W.P.
WITHOUT COSTS