

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.3204 OF 2023

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed seeking to declare the action of 2nd respondent in suspending the authorization in Rc.No.CS/47/2022 dated 21.01.2022 for Fair Price Shop No.1345022 of Ramireddypalli Village, Sanjamalal Mandal, Kurnool District without completing the enquiry within 90 days from the date of suspension and continuing the same as illegal and arbitrary.

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

The case of the petitioner is that he is the Fair Price Shop Dealer for Shop No.134502 of Ramireddy Palle Village, Sanjamala Mandal, Kurnool District. From the date of appointment in the year 1992, the petitioner is supplying the essential commodities to the card holders without remarks from whatsoever. While so, the 3rd respondent informed the petitioner

that the authorization was suspended vide Rc.No.CS/47/2022 dated 21.01.2022. The learned counsel submits that the said order of suspension of authorization of petitioner as Fair Price Shop Dealer still continued, without completing the enquiry within 90 days from the date of orders of suspension and also respondent No.2 has not conducted enquiry as per 8(4) of Control Order, 2018.

He further submits that the Division Bench of the Court in **Joint Collector, Kurnool Vs. A.Neelima** observed as follows:-

“the continuation of order of suspension indefinitely is whole arbitrary and cannot be countenanced. 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 ordinarily be sufficient to conclude the enquiry”.

The learned counsel for the petitioner submits that the action of the 2nd respondent in suspending the authorization of Fair Price Shop without completing enquiry within 90 days from the date of suspension is illegal, arbitrary and contrary to the orders passed by this Court in the above said Judgment.

Considering the submissions of the learned counsel for the petitioner and the observations made by this Court in above Judgment, the suspension proceedings of the 2nd respondent dated 21.01.2022 is set aside and the respondents are directed to restore the Fair Price shop to the petitioner.

With the above directions, this Writ Petition is disposed of.
No costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

JUSTICE D.RAMESH

Date: 15.02.2023

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