

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18306 of 2009

-
DATE:02.09.2009

Between:

D. Thara

... Petitioner

and

The Joint Collector (Civil Supplies), Karimnagar
and others

... Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18306 of 2009

ORDER:

This writ petition is filed by the petitioner seeking a Writ of Mandamus to declare the action of 2nd respondent in suspending her authorisation in respect of a fair price shop situated at Old Bazaar, Karimnagar by

proceedings No.K/3031/2009, dated 11.08.2009, as illegal and arbitrary, and consequently, to direct the respondents to continue her to distribute the essential commodities to the cardholders.

2. Briefly, the case of the petitioner is that she was appointed as a dealer in respect of a fair price shop situated at Karimnagar Town. She has been running the shop at door No.1-2-24,old bazaar, Karimnagar and distributing the essential commodities to the cardholders promptly and without any complaint. As the owner of the said premises requested her to vacate the premises, she had shifted the fair price shop to door No.5-6-110, old bazaar, Karimnagar and the same was informed to the 2nd respondent by way of filing a written representation on 25.02.2009 with a request to accord permission. Without considering her representation, the 2nd respondent issued a show cause notice No.K/3031/2009, dated 11.08.2009 calling upon her to explain the reasons within seven days from the date of receipt of the said notice as to why her authorisation should not be cancelled, basing on the report of the 3rd respondent dated 04.08.2009 alleging that she is running the fair price shop at H.No.5-6-110 without permission. On the even date, he also suspended her authorisation. Immediately thereafter, she submitted explanation to the 2nd respondent seeking restoration of her authorisation, but so far the 2nd respondent has not passed any order. Aggrieved by the same, she filed the present writ petition.

3. Heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Civil Supplies.

4. The learned counsel for the petitioner has contended that as the owner of H.No.1-2-24 asked the petitioner to vacate the premises, the petitioner was forced to shift the fair price shop from the said premises to H.No.5-6-110. He further contended that though to that effect the petitioner gave a representation to the 2nd respondent on 25.02.2009 seeking to accord permission and the same was acknowledged on the same day, the petitioner has not received any communication till date. He also contended that without considering the representation dated 25.02.2009 of the petitioner,

the 2nd respondent issued the show cause notice and passed the order of cancellation of the authorisation of the petitioner on the even date contrary to the principles of natural justice. Therefore, he prays to allow this writ petition.

5. Having considered the submissions made by the counsel on either side and having gone through the material on record, it is clear that in the circumstances stated in the affidavit filed in support of the writ petition, the petitioner had to shift the fair price shop from H.No.1-2-24 to H.No.5-6-110 and she also intimated the said factual aspect to the 2nd respondent by representation dated 25.02.2009 and the same was acknowledged by the office of the 2nd respondent on the same day. In the light of the same and taking into consideration the submission of the learned Assistant Government Pleader that the 2nd respondent is holding an enquiry, this Court is of the view that this writ petition can be disposed of with a direction to the respondents to complete the enquiry at the earliest.

6. Accordingly, this writ petition is disposed of, at the stage of admission, directing the respondents to complete the enquiry, at the earliest. During pendency of the enquiry, the authorisation of the petitioner shall be resorted and she shall be permitted to distribute the essential commodities to the cardholders. There shall be no order as to costs.

GOPALA KRISHNA TAMADA, J

2nd September, 2009
CBS

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WRIT PETITION No.18306 of 2009

(Disposed of)

2nd September, 2009

CBS