

APHC010513652025



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

[3333]

WEDNESDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 26755/2025

Between:

1. TALARI LAKSHMI DEVI, W/O. KAMBAIAH, AGED ABOUT 42 YEARS,
OCC. FAIR SHOP DEALER, F.P. SHOP NO.1340006, R/O. D. NO. 2-
92, BODEMMANUR VILLAGE, UYYALAWADA MANDAL KURNOOL
DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, CONSUMER AFFAIRS AND CIVIL SUPPLIES
DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER, NANDYAL DIVISION,
KURNOOL DISTRICT.
3. THE TAHSILDAR, UYYALAWADA MANDAL, KURNOOL DISTRICT.

...RESPONDENT(S):

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 of Mandamus or any other appropriate Writ Order or direction declaring the action of the 2ND respondent in suspending the authorization of the petitioner vide proceedings in Rc.No.CS/775/2024 dated 20.12.2024 without conducting any enquiry within 90 days after suspension of authorization of the petitioner as per clause 8(4) of the Control

Order, 2018 is illegal, arbitrary and violation of Articles 14, 19 AND 21 of constitution of India consequently set aside the same and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings issued by the 2ND respondent vide proceedings in Rc.No.CS/775/2024 dated 20.12.2024 by continuing the petitioner as a F.P shop dealer in Shop No. 1340006 situated at Budemmanur Village, Uyyalawada Mandal, Kurnool District., by enabling him to supply to the card holders pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.K SRINIVAS

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“....to issue a Writ of Mandamus or any other appropriate Writ Order or direction declaring the action of the 2ND respondent in suspending the authorization of the petitioner vide proceedings in Rc.No.CS/775/2024 dated 20.12.2024 without conducting any enquiry within 90 days after suspension of authorization of the petitioner as per clause 8(4) of the Control Order, 2018 is illegal, arbitrary and violation of Articles 14, 19 AND 21 of constitution of India consequently set aside the same and pass....”

2. The petitioner herein as appointed as a fair price shop dealer of shop No.1340006 of Bodemmanur village, Uyyalawada mandal, Kurnool district, in the year 2003 and ever since, the petitioner has been distributing essential commodities to the card holders without there being any complaint either from the cardholders or from the respondent authorities.

3. While the matter stood thus, on 08.10.2024, the 3rd respondent has conducted an inspection on the petitioner's fair price shop and found certain variations in the ground stock. As such, a case under Section 6A of the Essential Commodities Act was initiated against the petitioner and on 05.11.2024, a show cause notice was issued to the petitioner seeking his explanation to which, the petitioner has not submitted any explanation. As such, the 2nd respondent vide proceedings in Rc.No.CS/775/2024, dated 20.12.2024 suspended the petitioner's authorization, pending enquiry. The main grievance of the petitioner is that though the petitioner's authorization

was suspended in the month of December, 2024, till date, the respondent authorities have not concluded the enquiry pending against the petitioner. As such, the present writ petition is filed.

4. Heard Sri. K. Srinivas, learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies.

5. During the course of hearing, the learned counsel for the petitioner submitted that though the order of suspension has been in force for more than 90 days, till date, the enquiry has not been commenced and concluded.

6. The learned Assistant Government Pleader for Civil Supplies has submitted that the respondents did not commit any error in passing the impugned suspension order and requested to dismiss the present writ petition.

7. As the enquiry was not completed within 90 days from the date of suspension, the present writ petition is squarely covered by the judgment of a Division Bench of this Court in ***Joint Collector, Kurnool vs. A. Neelima***¹, wherein a Division Bench held as follows:

2. We have gone through the impugned judgment which is based upon the decision of the Supreme Court in *M/s. Sukhwinder Pal Bipan Kumar v. State of Punjab* (1) AIR 1982 (S.C.), 1965. In that case, the prescribed form of licence contained the clause for the period of suspension to be maximum for 90 days. A perusal of the order of the learned Single Judge shows that in essence and substance what was meant by him is that the period of 90 days is a reasonable period to conclude the enquiry and the continuance of it beyond 90 days would be unreasonable and shall be, hence, taken as quashed. As we see it was in the nature of a direction to complete the enquiry within 90

¹ 1996 LawSuit (AP) 956

days than laying down a general proposition of law that the maximum period of suspension could be only for 90 days. We agree with the view of the learned Single Judge that the order of suspension cannot be used as a pretext for indefinite postponement of the operation of the fair price shop dealership making it in effect cancellation of the dealership. An order of suspension, like every executive and administrative act, has to be founded upon fair play and lack of arbitrariness. The continuation of order of the 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 should ordinarily be sufficient to conclude the enquiry.

8. In the present case, though the impugned order was passed on 20.12.2024 suspending the authorization of the petitioner for an indefinite period and even after an elapse of 90 days, there has been no commencement of operation of the enquiry against the petitioner. However, in view of the fact that the respondent authorities have made alternative arrangements for distribution of essential commodities pursuant to the impugned proceedings dated 20.12.2024 and in view of the fact that the impugned proceedings are passed on 20.12.2024, the 2nd respondent is directed to complete the enquiry pending against the petitioner in pursuance of the proceedings dated 20.12.2024 within a period of two (2) months from the date of receipt of a copy of this order, after duly giving an opportunity of hearing to the petitioner.

9. Accordingly, with the above direction, this writ petition is disposed of. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

Date:08.10.2025.

Gss