

(2015) 06 KAR CK 0314

In the Karnataka High Court

Case No : Writ Petition No. 105309 of 2015 (GM-PDS)

Giriyappa

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 03-06-2015

Acts Referred:

Citation : (2015) 4 KarLJ 328

Hon'ble Judges : B. Manohar, J

Bench : Single Bench

Advocate : Vitthal S. Teli, for the Appellant; K. Vidyavathi, Additional Government Advocate, Advocates for the Respondent

Final Decision : Disposed off

Judgement

B. Manohar, J—Smt. K. Vidyavathi, learned Additional Government Advocate is directed to take notice on behalf of the respondents. The petitioner, in this writ petition, has sought for quashing the order dated 23-5-2015 passed by the Deputy Commissioner (Food and Civil Supplies Department) suspending the authorization given to him for distribution of food grains.

2. Sri Vitthal S. Teli, learned Counsel appearing for the petitioner contended that before suspending the authorization no opportunity of hearing was given since the show-cause notice as well as the suspension order are issued on the same day, and hence, the impugned order passed by the Deputy Commissioner cannot be sustained.

3. Learned Additional Government Advocate appearing for the respondents contended that suspending of the authorization given for distribution of food grains is not a punishment; for suspending the authorization, show-cause notice need not be issued; that on the basis of the complaint and the enquiry report submitted by the Tahsildar with regard to the distribution of food grains to the non-card holders and change of place of distribution of food grains, the Deputy Commissioner has passed the impugned order pending enquiry. She submitted

that the petitioner has got a remedy of appeal against the order impugned passed by the Deputy Commissioner under Clause 17 of the Karnataka Essential Commodities (Public Distribution System) Control Order, 1992, and hence the writ petition is liable to be dismissed.

4. I have carefully considered the arguments addressed by the learned Counsel for the parties and perused the impugned order. In view of the report submitted by the Tahsildar, Bailhongal, the Deputy Commissioner has passed the order suspending authorization given to the petitioner to distribute the food grains pending enquiry. The suspension order itself makes it clear that pending enquiry, authorization to distribute the food grains has been suspended temporarily. The Deputy Commissioner has to conduct the enquiry and to take appropriate decision as expeditiously as possible. Accordingly, I pass the following order:

Writ petition is disposed of with a direction to the Deputy Commissioner to conduct enquiry and to take appropriate decision as expeditiously as possible but not later than one month from the date of receipt of a copy of this order.

Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks.