

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.8204 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the 3rd respondent in canceling the authorization of the petitioner, as arbitrary and illegal.

The petitioner is the dealer of fair price shop No.5, Pendekal Village, Tuggali Mandal, Kurnool District. On the eve of Sankranti festival, as per the instructions of the Government, certain items were to be distributed to the card holders free of cost. The allegation against the petitioner is that she distributed the said commodities by collecting Rs.10/- from each card holder. Hence, show cause notice dated 4.3.2015 was issued to the petitioner, for which she submitted her explanation. Thereafter, the 3rd respondent passed the impugned order canceling the authorization of the petitioner.

In the explanation, the petitioner stated that she did not collect any amount from the card holders. However, in the impugned order, a finding was recorded to the effect that the dealer has not produced any recorded evidence in support of her explanation.

Ex facie, the impugned order is unsustainable and illegal as the respondent-authorities have failed to mention the reason on what basis the charges levelled against the petitioner were sought to be proved.

Therefore, the Writ Petition is disposed of at the stage of admission and the impugned order passed by the 3rd respondent is set aside. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

26th March, 2015

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Note: Issue CC by Monday.

