

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 13166 of 2015

ORDER:

The petitioner was appointed as Fair Price Shop dealer in respect of Shop No.32 of Obulapuram village, Dhane Mandal, Kurnool District on temporary basis. The authorization of the petitioner is valid up to 31.03.2016. While so, the shop was inspected on 18.07.2014 and some irregularities were noticed. On the basis of the report submitted by the Tahasildar-3rd respondent, the 2nd respondent issued a show cause notice on 10.04.2015 and the petitioner submitted explanation on 17.04.2015. Ultimately, without conducting any enquiry, within three days, the impugned order of cancellation was passed on 20.04.2015. Challenging the same, present writ petition is filed.

A perusal of the papers filed along with the writ petition show that four charges are leveled against the petitioner and the petitioner denied these charges by submitting a detailed explanation. In the circumstances, an enquiry should have been conducted by the 2nd respondent, instead he relied on the report of the Tahasildar dated 03.04.2015 and cancelled the authorization of the petitioner.

This Court repeatedly held that an enquiry is *sine qua non* for taking action for cancellation of the authorization. In view of the fact of not conducting an enquiry in respect of the allegations leveled against the petitioner, this Court is constrained to set aside the impugned order dated 20.04.2015 and remand the matter to the 2nd respondent for conducting enquiry in respect of the allegations leveled against the petitioner after giving due opportunity to the petitioner and pass final orders thereon within a period of three

months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. In view of the allowing of the writ petition, it is needless to observe that the petitioner shall be continued as Fair Price Shop dealer. No order as to costs.

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

A. RAMALINGESWARA RAO, J

14th September, 2015
Tk/dv