

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32899 of 2015

ORDER:

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

The petitioner was appointed as fair price shop dealer of shop No.3 of Gonegondla Village and Mandal in Kurnool District. A show cause notice was issued to the petitioner on 14.07.2015 by the third respondent-Revenue Divisional Officer, Adoni in respect of certain charges framed against the petitioner. The petitioner submitted his explanation on 25.06.2015. After submitting the explanation, an order of cancellation of dealership was passed by the third respondent on 29.07.2015. Challenging the same, the present writ petition is filed, though the petitioner preferred an appeal before the second respondent-Joint Collector, Kurnool.

The allegations levelled against the petitioner are as follows:

1. That at the time of inspection 2.80 Qlts of P.D.S. rice Variation(-) found and 6 (A) Case was booked against the dealer.
2. That the dealer was not maintained the Stock-cum-Price board as prescribed.
3. That the dealer was not maintained Electronic Weighing Machine.

The petitioner denied the above said allegations and the third respondent should have conducted an enquiry, but considering the explanation of the petitioner, he recorded a finding without conducting enquiry by holding as follows:

“the report of the Deputy Tahsildar (Civil Supplies) In-charge Yemmiganur and the explanation of the dealer have been perused. On verification of the explanation of the dealer, it clearly shows that he is not maintaining the F.P. Shop regularly and not distributing ECs to the card holders properly. More over, the explanation submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of A.P.P.D.S. Control Order 2008, the F.P. Shop authorization held by the dealer is hereby cancelled with immediate effect.”

The third respondent merely extracted the explanation of the petitioner and

recorded the findings in respect of each charge. This Court is not satisfied with the method of passing the final order of cancelling the authorization of the petitioner as the third respondent should have passed the final order of cancellation only after conducting enquiry by giving opportunity to the petitioner.

In view of the same, the order dated 29.07.2015 is set aside and the matter is remanded to the third respondent for conducting enquiry in respect of charges levelled against the petitioner and pass final orders thereon, within a period of 60 days from the date of receipt of a copy of this order. In view of setting aside of the impugned order of cancellation, the petitioner shall be continued as dealer till passing of final orders.

Accordingly, the writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.10.2015

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