

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.12251 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was appointed as a Fair Price Shop Dealer of Shop No.29 of Lankam village, Srikakulam Mandal, Srikakulam District. The authorization of the petitioner is in force till 31.03.2015 and the petitioner paid fee for renewal within time. While so, on 21.01.2015, the Inspector of Police, Vigilance and Enforcement Department inspected the shop of the petitioner and found some variation in the stock and 6-A proceedings were initiated against him. On the basis of the report submitted by the Tahasildar dated 24.01.2015, a show-cause notice was issued on 03.02.2015 to the petitioner and he submitted his explanation on 20.02.2015. After considering the same, on 31.03.2015, the 3rd respondent passed an order of cancellation of authorization of the petitioner's fair price shop dealership. Challenging the same, the present writ petition is filed.

This Court, while admitting the writ petition on 24.04.2015, granted interim suspension of the impugned order and the said order is in operation till today.

The learned counsel for the petitioner submitted that though a detailed explanation was submitted by the petitioner, the 3rd respondent has not applied his mind to the facts of the case and passed the impugned order of cancellation of authorization without conducting proper enquiry. A perusal of the order dated 31.03.2015 shows that the 3rd respondent has not recorded any finding with regard to the allegations levelled against the petitioner, but passed the impugned order with the following observations:

"The allegation levelled against the respondent, explanations submitted on material placed before me have been examined. The allegations that there is variation stock, i.e., Rice, Sugar, K.Oil, R.G.Dall, P.Oil, Atta, Bengal gram, Jaggary and Ghee. The individual has not explained proper reason for the variation of the stock. Therefore, the Respondent dealer is doing clandestine business and contravened the provisions under Cl.17(a), 17(c) of APS PDS (Control) Order 2008 and guidelines issued in GO.Ms.No.4 Consumer Affairs, Food and Civil Supplies."

In view of the same, the impugned order dated 31.03.2015 passed by the 3rd respondent is set aside and the matter is remanded to the 3rd respondent for conducting enquiry in accordance with law and record finding in respect of the allegations levelled against the petitioner. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

Accordingly, this writ petition is allowed. There shall be no order as to costs. As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 07.07.2015

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