

IN THE HIGH COURT OF JUDICATURE;AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 23890 of 2015

BETWEEN

R.Devender

...Petitioner

And

State of Telangana, rep. by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 31.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 23890 OF 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 7 of
Kamtam Village & Mandal, Nizamabad District. His authorization is valid up to
13.03.2016. While so a show cause notice was issued to the petitioner on

24.06.2015 without specifying any charges and merely informing about the order of this Court dated 29.4.2015 passed in Writ Petition No. 13257 of 2015 directing to enquire into the irregularities committed by the petitioner. The petitioner submitted his explanation on 2.7.2015 and after receiving the same, the authorization of the petitioner was cancelled by order dated 7.7.2015. Challenging the same, the present Writ Petition is filed.

It appears from the documents filed along with the Writ Petition that when the authorization was suspended on 21.4.2015, the petitioner filed Writ Petition No. 13257 of 2015 and the same was disposed of on 29.4.2015 directing the fifth respondent therein, fourth respondent herein, to complete the enquiry within one month after giving opportunity of hearing and pass a speaking order. The said suspension took place pursuant to the show cause notice dated 13.4.2015, in response to which, the petitioner submitted his explanation on 20.4.2015. After the order of this Court dated 29.4.2015, a notice was issued by the Tahsildar, Nandipet on 19.6.2015 stating that he was asked to conduct an enquiry. This Court in Writ Petition No. 13257 of 2015 directed the fourth respondent-Revenue Divisional Officer, Nizamabad to conduct an enquiry and not the fifth respondent-Tahsildar, Nandipet. However, the fourth respondent delegated the power to the fifth respondent-Tahsildar to conduct an enquiry without any sanction under law and contrary to the order passed by this Court. After receiving the report from the fifth respondent-Tahsildar, the fourth respondent-Revenue Divisional Officer passed the impugned order dated 7.7.2015 without conducting any enquiry. In the circumstances, the impugned order dated 7.7.2015 passed by the fifth respondent is set aside. However, it is left open to the fourth respondent to conduct an enquiry pursuant to the show cause notice dated 13.4.2015 and complete the same as directed by this Court in Writ Petition No. 13257 of 2015 with in a period of one month from the date of receipt of a copy of this order.

The Writ petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31st JULY, 2015.

Msnr_x