

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30593 of 2015

ORDER:

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

2. The petitioner was appointed as a fair price shop dealer of shop No.30, Naganathanahalli Village, Adoni Mandal, Kurnool District. The authorization of the petitioner is valid upto 31.03.2016. When the stock was not supplied to the petitioner for the months of June and July, 2015, the petitioner submitted a report to the District Collector, Kurnool on 01.06.2015, and on the intervention of the third respondent, the stock was supplied to the petitioner by the fourth respondent. While so, a show cause notice was issued to the petitioner on 23.07.2015 on the basis of the report submitted by the fourth respondent. The petitioner submitted his explanation on 03.08.2015 denying the allegations. In spite of the same, the third respondent, without conducting any enquiry, cancelled the authorization of the petitioner, by his proceedings dated 19.08.2015, which was communicated to the petitioner on 09.09.2015. Challenging the same, the present writ petition is filed.

3. A perusal of the show cause notice shows that 8 charges are leveled against the petitioner which are vague. The petitioner, however, submitted his explanation. In the impugned order dated 19.08.2015, the third respondent extracted the charges and substance of the explanation. He recorded the finding based on the report of the fourth respondent and ultimately held as follows:

“ The report of the Tahsildar, Adoni has been taken into consideration and as dealer has not submitted any explanation even though he has received the Show Cause Notice. It clearly shows the negligence of the dealer and proves towards the complaint reported against him and made inconvenience to the card holders. Hence the dealer has contravened/violated the condition of A.P.P.D.S. Control Order 2008. The FP Shop authorization held by the dealer is hereby cancelled with immediate effect.”

4. In the absence of any enquiry, the order of cancellation of the authorization cannot be upheld. In the circumstances, this Court is constrained to set aside the impugned order dated 19.08.2015 passed by the third respondent. The third respondent is directed to conduct an enquiry in respect of the allegations leveled against the petitioner, by giving due opportunity to the petitioner, and complete the same within a period of three months from the date of receipt of a copy of this order.

5. The Registry is directed to communicate a copy of this order to the District Collector, Kurnool, as this Court has come across several orders passed by the third respondent in several cases forcing this Court to set aside them and remand them to him for conducting fresh enquiry. In spite of several orders passed by this Court, the third respondent had not changed his attitude and not adheres to the principles of natural justice. In the circumstances, it is left to the District Collector, Kurnool to look into the matter and take necessary action, if it is warranted.

6. The writ petition is, accordingly, allowed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 21.09.2015

TJMR