

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1538 of 2015

BETWEEN

Mulamreddy Obul Reddy.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Civil Supplies
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. I. GOPALA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES (AP)

The Court made the following:

-
-
-

ORDER:

Petitioner's authorization as a fair price shop dealer for shop No.29,

Veluguvaripalem village, Talluru Mandal, Prakasam District was cancelled by the Revenue Divisional Officer, after issuance of show cause notice to the petitioner on 05.11.2012 and after considering his explanation. However, the final order of the RDO canceling the authorization of the petitioner dated 13.07.2013 was questioned by the petitioner in appeal before the Collector (Civil Supplies), Prakasam and by order dated 27.12.2014, the Collector came to the conclusion that the order of RDO is contrary to the directions of this Court in WP.No.29501 of 2012 dated 21.09.2012 inasmuch as he has neither given any opportunity to the petitioner for hearing nor has passed the order within the time fixed by this Court. Consequently, the Collector opined that the order of the RDO is against the principles of natural justice and has remanded the matter to the RDO for fresh consideration after affording opportunity of personal hearing to the petitioner and decide the case afresh within a month of the date of receipt of the order.

2. Petitioner, however, has preferred a further revision against the said order before the Collector and District Magistrate on 22.01.2015 along with an application for stay and the present writ petition is filed alleging that no orders are being passed by the revisional authority either in the revision or in the stay petition.

3. I have heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

4. It is evident from the order of the Collector dated 27.12.2014 that the RDO was required to consider the matter and pass fresh order, after giving opportunity to the petitioner within one month from the date of receipt of a copy of order. By now, the said period of one month, fixed by the appellate authority, is already expired or is likely to expire shortly. At this stage, therefore, in my view, the interest of justice would be served, if the RDO is directed to consider the matter afresh and pass appropriate orders, after hearing the petitioner,

as directed by the Collector in the aforesaid order.

5. Since the petitioner states that no permanent arrangement is made with regard to the aforesaid shop so far and since the petitioner states that he has a *prima facie* case for restoration of his authorization so as to enable him to continue the dealership, all these aspects, however, are matters, which are required to be taken into consideration by the RDO while passing appropriate final orders in pursuance of the directions of the Collector, referred to above.

The writ petition is disposed of directing the Revenue Divisional Officer/respondent No.4 to pass appropriate final orders expeditiously, in accordance with the directions of the Collector, referred to above, within a period of two (2) weeks from the date of receipt of a copy of this order. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 30, 2015

Note: Furnish C.C. of the order by 02.02.2015.

(**B/o**) DSK