

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.18428 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. With the consent of parties, the Writ Petition is being disposed of at the stage of admission.

The petitioner is a fair price shop dealer of F.P.Shop No.31, S.Moolapolam Village, Ainavalli Mandal, East Godavari District. Some villagers are alleged to have complained to the Joint Collector, East Godavari on 13.02.2014. Based on the said complaint, the Deputy Tahsildar referred the matter to the Revenue Divisional Officer, Amalapuram who suspended the authorization of the petitioner. Based on the report of the Deputy Tahsildar, 6-A proceedings were initiated. However, 6-A proceedings ended in confiscating 50% of the seized stock. The petitioner submitted his explanation on 19.03.2014 and, after considering the same, the Revenue Divisional Officer, Amalapuram cancelled the authorization by order dated 09.10.2014. The petitioner preferred an appeal to the Joint Collector, East Godavari District, who, by his order dated 11.12.2014, confirmed the order of the Revenue Divisional Officer, Amalapuram. Against which, a revision was preferred to the second respondent who, by his order dated 30.04.2015, confirmed the order of the Joint Collector, East Godavari. The order of the second respondent dated 30.04.2015 is challenged in this Writ Petition.

This Court perused the order, of the second respondent, dated 30.04.2015, which was disposed of with the following

observations:

“Heard the argument. After going through the case and the explanation offered by the Appellant - Dealer, this Court feels that there are no valid grounds to interfere with the orders of lower Court.

In view of the above, I do not see any reason to interfere with the orders of the Appointing Authority and the orders passed duly conducting detailed enquiry with all the charges. Therefore, I hereby order for uphold the proceedings in Ref.H/CS/343/2014 dated 09.10.2014 of the Revenue Divisional Officer, Amalapuram in which the authorization of Smt Pamu Padmavathi F.P.Shop Dealer No.31 of S.Moolapolam Village of Ainavilli Mandal was cancelled. Accordingly, the revision petition is disposed.”

A perusal of the above extract of the order of the second respondent shows that the second respondent did not give any findings in respect of the allegations levelled against the petitioner and considering the explanation offered by the petitioner. In the circumstances, this Court is inclined to allow the Writ Petition by setting aside the order of the second respondent dated 30.04.2015, and remand the matter to the second respondent for considering the case afresh, in accordance with law, and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:24.06.2015
usd

