

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21689 of 2015

DATED 14th July, 2015

BETWEEN

D.Kankaiah

...Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary (Food & Civil Supplies),
Telangana Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21689 of 2015

ORDER:

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

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The petitioner was appointed as Fair Price Shop Dealer for Shop No. 3326 of Sircilla village & Mandal, Karimnagar district. The Deputy Tahsildar (Civil Supplies) along with his staff inspected the fair price shop of the petitioner on 13.6.2015 and noticed that the fair price shop was closed and on enquiry, the card holders revealed that the fair price shop is being run by the elder brother of the petitioner. Based on the same, a report was submitted on 22.6.2015, pursuant to which, a show cause notice was issued to the petitioner on 25.6.2015. The petitioner submitted his explanation to the show cause notice on 1.7.2015.

Being not satisfied with the said explanation, the third respondent passed impugned order dated 2.7.2015 cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

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The main allegation levelled against the petitioner is that the petitioner is not running the fair price shop, whereas a benami person is running the shop. When the fair price shop is not being run by the dealer, this Court feels that the said allegation can be enquired into without cancelling the authorization inasmuch as there is no scope for tampering the records during the course of enquiry. In the circumstances, cancellation of authorization of the petitioner by impugned order dated 2.7.2015 is set aside. Since the petitioner has already submitted his explanation on 2.7.2015, the third respondent is at liberty to conduct an enquiry against the petitioner with regard to the allegation of running the fair price shop by a benami person and complete the same by duly observing principles of natural justice and thereafter pass appropriate orders within a period of three months from the date of receipt of a copy of this order. It is needless to observe that since the cancellation of authorization is set aside, the petitioner is entitled to release of the stock so long as his authorization is in force.

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.

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JUSTICE A.RAMALINGESWARA RAO

Dated 14th July, 2015.
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