

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 18000 of 2015

ORDER:

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

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.19 of Kanakaveedu Village, Nandavaram Mandal, Kurnool District, in the year 2014 on compassionate grounds. While so, on 23.01.2015, the shop was inspected by the Deputy Tahsildar and some variation in the stock was found. Pursuant to the report of the Deputy Tahsildar, 6A proceedings were initiated. As the stock was not released to him pursuant to the inspection of the Deputy Tahsildar on 23.01.2015, the petitioner filed W.P.No.3769 of 2015 and when the said writ petition is pending, the 3rd respondent issued a notice on 04.02.2015 asking the petitioner to appear before him on 11.02.2015 and, accordingly, the petitioner appeared before the 3rd respondent on 11.02.2015. Thereafter, the impugned order is passed on 10.06.2015 cancelling the authorization. Challenging the same, the present writ petition is filed.

3. A reading of the impugned order shows that some variation in the stock was noticed by the 4th respondent, pursuant to which, 6A proceedings were initiated and the 3rd respondent issued a notice on 04.02.2015 asking the petitioner to appear before him on 11.02.2015 without mentioning any charge. The petitioner had no opportunity to submit his explanation in the absence of charges. However, the impugned order was passed on 10.06.2015 holding that the petitioner committed irregularities in distribution of the essential commodities, which are grave in nature.

4. This Court finds that the entire procedure followed by the 3rd respondent is contrary to law, as no show cause notice was issued to the petitioner alleging any charge. The petitioner had no opportunity to submit his explanation and no enquiry was conducted in respect of any specific charge. In the circumstances, the impugned order dated 10.06.2015 is set aside and the writ petition is allowed. However, this will not preclude the 3rd respondent from following the due process of law by issuing a show cause notice to the petitioner giving an opportunity of submitting explanation and conducting an enquiry thereon.

4. The Writ Petition is allowed accordingly. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22nd June, 2015
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