

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22835 of 2015

ORDER:

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

The petitioner was appointed as fair price shop dealer of shop No.101 of Krishnagiri Village & Mandal, Kurnool District. While so, the authorization of the petitioner was suspended on 04.08.2014. Challenging which, the petitioner filed an appeal before the Joint Collector, Kurnool. When no orders were passed, the petitioner filed Writ Petition No.1020 of 2015 and this Court by order dated 09.02.2015 in WPMP No.1283 of 2015 in WP No.1020 of 2015 suspended the order passed by the second respondent-Revenue Divisional Officer, Kurnool, with liberty to the second respondent to pass final order on merits. Thereafter, the impugned order was passed on 10.07.2015 cancelling the authorization of the petitioner. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner brought to the notice of this Court that the impugned order was passed cancelling the authorization, based on the reports of the Tahsildar, Kurnool dated 23.06.2015 and 26.06.2015, which were not furnished to the petitioner. He further stated that a show cause notice was issued on 06.12.2014 and the petitioner submitted his explanation on 20.12.2014. It could be seen in the order passed by the second respondent dated 10.07.2015 that the reports of the Tahsildar, Kurnool were later to the explanation offered by the petitioner and the said reports were relied on in the internal page 4 of the order of the second respondent. In the absence of furnishing copies of the reports of the Tahsildar, Kurnool, to the petitioner and seeking his explanation, the impugned order passed by the second respondent is vitiated.

In the circumstances, the writ petition is allowed and the impugned order dated 10.07.2015 passed by the second respondent is set aside. The matter is remanded to the second respondent for

considering the case afresh, in accordance with law, and after due opportunity to the petitioner to submit his case.

The second respondent is at liberty to pass final order, after conducting enquiry, within a period of three months from the date of receipt of a copy of this order. In the meanwhile, the stock should be supplied to the petitioner, in view of setting aside of the impugned order dated 10.07.2015.

Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 23.07.2015

Isn