

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32886 of 2015

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ORDER:

The petitioner was appointed as fair price shop dealer of shop No.10 of Puthramaddi Village of Irala Mandal in Chittoor District on permanent basis, vide proceedings dated 23.03.2006.

The authorization of the petitioner is valid up to 31.03.2016. While so, the shop of the petitioner was inspected on 14.11.2014 by the fourth respondent-Tahsildar, Irala Mandal and on the basis of the report submitted by the fourth respondent, the third respondent-Revenue Divisional Officer, Chittoor, suspended the authorization of the petitioner, through order dated 24.11.2014. Challenging the same, the petitioner preferred an appeal before the second respondent-Joint Collector (Civil Supplies), Chittoor, who initially granted stay of the operation of orders of the third respondent dated 24.11.2014 suspending the authorization of the petitioner. Later, the second respondent passed an order on 22.01.2015 directing the third respondent to complete the enquiry and pass final orders thereon after calling for written explanation from the petitioner.

Thereafter, a show cause notice was issued to the petitioner on 08.05.2015 by the third respondent. The petitioner filed Vakalat through an advocate before the third respondent and requested time for submission of her explanation. However, without affording an opportunity to the petitioner to submit her explanation, the authorization of the petitioner was cancelled on 20.06.2015 by the third respondent. Challenging the same, the petitioner preferred an appeal before the second respondent on 03.07.2015 and on 13.07.2015 the second respondent remanded the matter to the third respondent for issuance of show cause notice to the petitioner and to pass final orders, within two weeks from the date of receipt of a copy of the order after giving an opportunity to the petitioner to submit her written explanation. After receipt of the same, a fresh show cause notice was issued to the petitioner on 20.07.2015 by the third respondent and the petitioner was also permitted to distribute the commodities till the month of September, 2015. When the supply of commodities was stopped from October, 2015 and enquiry was not completed, the

present writ petition is filed.

In view of the order of second respondent, dated 13.07.2015, the third respondent should complete the enquiry by giving opportunity to the petitioner within two weeks from the date of receipt of a copy of the order. Accordingly, the third respondent issued a show cause notice on 20.07.2015.

It is submitted by the learned counsel for the petitioner that the explanation of the petitioner was submitted on 20.07.2015 and no enquiry has been conducted so far.

In the circumstances, the third respondent-Revenue Divisional Officer, Chittoor, is directed to conduct an enquiry and pass final orders thereon within a period of 30 days from the date of receipt of a copy of this order. Till passing of final orders, the petitioner shall be allotted the essential commodities for onward distribution to the card holders.

Accordingly, the writ petition is allowed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.10.2015

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