

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION NO.32029 OF 2015

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ORDER:

The petitioner was appointed as Fair Price Shop dealer of Shop No.54 of Kanteshwar, Nizamabad (Urban), Nizamabad District. Basing on the report of the Deputy Tahsildar (Enforcement), Nizamabad, dated 20-01-2014, authorisation of the petitioner was suspended on 23-01-2014 and an order of cancellation was passed on 04-07-2014 by the 4th respondent. Against the said order of cancellation, the petitioner preferred an appeal to the 3rd respondent, who confirmed the order of the 4th respondent by order, dated 14-04-2015. Thereafter the petitioner filed a revision before the 2nd respondent, who also confirmed the order of the 4th respondent by order, dated 01-09-2015. Challenging the order passed by the 2nd respondent, the present writ petition is filed.

2. A perusal of the order passed by the 4th respondent shows that it was passed merely on the basis of the order passed by the Joint Collector, Nizamabad in 6-A proceedings. The 4th respondent should have seen that 6-A proceedings are different from disciplinary proceedings. For violation of control order, the 4th respondent has to take independent proceedings, if he wants to take any action against the dealer. Merely on the basis of the proceedings of the Joint Collector, Nizamabad, the 4th respondent ought not to have cancelled the authorisation of the petitioner without issuing show cause notice, inviting the explanation of the dealer and conducting an enquiry. This aspect of the matter was over looked by the respondents 3 and 4 even though appeal and revisions were filed by the petitioner. In the circumstances, this Court is satisfied that the orders passed by the respondents 2 to 4 cancelling the authorisation of the petitioner are vitiated and the matter is remanded to the 4th respondent for issuance of show cause notice. If the 4th respondent is satisfied that the petitioner violated any provision of the Control Order, it is needless to say that the 4th respondent shall invite the explanation of the petitioner and conduct an enquiry before taking any action for cancellation of the authorization of the petitioner. The entire process shall be completed within a period of 3 months from the date of receipt of a copy of this order.

3. Accordingly, the writ petition is allowed at the stage of admission. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 01-10-2015

Note: Issue CC in one week

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