

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.21039 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer on permanent basis and his authorisation is valid up to 31.03.2016. However, based on the report of the Tahsildar, Adoni, dated 23.04.2015, a show cause notice was issued to the petitioner on 30.04.2015. The petitioner submitted his explanation on 16.05.2015. After considering the explanation, the impugned order of cancellation of authorisation was passed on 27.05.2015. Challenging the same, the present Writ Petition is filed.

This Court has carefully perused the impugned order dated 27.05.2015 passed by the second respondent and it clearly disclosed that the impugned order was passed based on the explanation only and no enquiry was conducted. The impugned order reads as follows:

“The report of the Tahsildar, Adoni and the explanation of the dealer have been perused. On verification of the explanation of the dealer it clearly shows that he is not maintaining the F.P Shop regularly and not distributing ECs to the cardholders properly. More over the explanations submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of A.P.P.D.S.Control Order 2008. The FP Shop dealership/authorisation held by the dealer is hereby cancelled with immediate effect.”

In the circumstances, the impugned order dated 27.05.2015 passed by the second respondent is set aside and the matter is remanded to the second respondent for conducting enquiry on the allegations levelled against the petitioner and complete the same within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

09.07.2015
vs

(A.RAMALINGESWARA RAO, J)