

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20648 of 2015

DATED 7th July, 2015

BETWEEN

S.Nagappa and ors

...Petitioners

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20648 of 2015

ORDER:

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

The petitioners are fair price shop dealers of different Villages in Gudibanda Mandal, Anantapur District. The authorization of the petitioners expired on 31.03.2015. They submitted challans within time i.e. 23.02.2015 and, when the said challans were returned, they again submitted another application on 08.04.2015 before the fourth respondent, who issued notice dated 28.04.2015 for submission of renewal application, along with original authorization, with all evidence on or before 07.05.2015. As there was no reply from the petitioners, the fourth respondent reported the matter to the third

respondent stating that the dealers were not having valid authorization and they filed false information before this Court seeking orders for supply of stock. Based on the same, the third respondent issued a show cause notice dated 02.06.2015 asking the petitioners to show cause why the dealership shall not be cancelled for not possessing valid authorization. The said show cause notice was challenged in Writ Petition No., 17321 of 2015.

The petitioners have not filed copies of authorization but filed letters of appointment. They have also filed copies of challans seeking renewal of authorization. The dispute centers around holding of valid authorization by the petitioners till 31.03.2015, in respect of which, they sought renewal. The case of the fourth respondent is that they misrepresented before this Court while seeking orders for supply of stock. However, the learned counsel for the petitioners submitted that the petitioners deposited the originals of authorization before the fourth respondent. Based on the aforesaid averments and submissions advanced by the learned Counsel, the said Writ Petition, i.e. W.P. No. 17321 of 2015 was disposed of by this Court by order dated 17.06.2015 observing as follows:

“ This disputed question cannot be decided by this Court. In the circumstances, if the third respondent intends to verify whether the petitioners are holding valid authorization or not, he can do so; and the petitioners are given seven days time to submit their authorization or if the petitioners have deposited with the fourth respondent, the fourth respondent shall submit a report to the third respondent with regard to authorization and, after enquiry, appropriate orders be passed by the third respondent.

Accordingly, the Writ Petition is disposed of giving liberty to the petitioners to submit explanation within a period of seven days from the date of receipt of a copy of this order.”

However, even without waiting for the aforesaid order, the impugned order is passed by the third respondent on 19.06.2015, more so, even not waiting up to 26.6.2015 for submitting reply by the petitioners to the show cause notices dated 2.6.2015 in terms of the aforesaid order. In view of lack of opportunity to the petitioners to submit their explanations, impugned orders dated 19.6.2015 passed by the third respondent is set aside. The petitioners are given opportunity to submit their respective explanations as directed in Writ Petition No. 17321 of 2015, dated 17.6.2015 and on receipt of the same, the third respondent shall consider the same and pass appropriate orders in accordance with law.

The Writ Petition is allowed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 7th July, 2015.
Msnrx