

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.32361 of 2015

ORDER:

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

2. The petitioner was appointed as a fair price shop dealer of shop No.28 of Kadivella Village, Yemmiganur Mandal, Kurnool District. The authorization of the petitioner is valid upto 31.03.2016. The third respondent, basing on the report of the fourth respondent dated 01.09.2015, issued a show cause notice to the petitioner, by proceedings dated 07.09.2015. The petitioner submitted his explanation on 14.09.2015, and after receipt of the same, the third respondent issued proceedings dated 19.09.2015 cancelling the authorization of the petitioner. Challenging the same, the present writ petition is filed.

3. A perusal of the charges shows that the first charge relates to the allegation that the petitioner was not residing in the village, second charge relates to distributing the essential commodities with lesser weighments and measurements, the third charge relates to not maintaining proper timings in distribution of essential commodities to the cardholders and the fourth charge relates to collection of higher prices. The petitioner produced the evidence relating to his residence in the same village.

4. When the petitioner has denied the charges leveled against him, burden is on the authorities to prove the charges and the petitioner cannot be asked to prove negative. A perusal of the impugned order indicates that no enquiry was conducted and only explanation of the petitioner was compared with the report of the Tahsildar and finally order of cancellation of authorization was passed. In the circumstances, this Court is inclined to set aside the order dated 19.09.2015 passed by the third respondent.

5. Accordingly, the Writ Petition is allowed setting aside the order dated 19.09.2015 passed by the third respondent. However, it is open to the third respondent to conduct an enquiry in respect of the allegations levelled against the petitioner, by giving due opportunity to him, and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. Till the enquiry is completed and final order is passed, the petitioner shall not be disturbed from his fair price shop dealership.

6. The Writ Petition is, accordingly, allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 05.10.2015

TJMR