

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos.30849, 30852 and 30853 of 2015

COMMON ORDER:

These three writ petitions are being disposed of by this common order after hearing the learned counsel for the petitioners as well as the learned Government Pleader for Civil Supplies.

The cause of action in these three cases is one and the same and they are filed challenging the orders of suspension of authorization/dealership.

The facts leading to the above cases are that some people of Dhone Mandal, Kurnool District made a complaint to the Hon'ble Upa-Lokayuktha against the Joint Collector, Kurnool, Revenue Divisional Officer, Kurnool, Tahsildar, Dhone Mandal, Revenue Inspector, Dhone Mandal, Village Revenue Officer, Chinna Malkapuram Village, Dhone Mandal and ration dealers. Based on the said complaint, the Hon'ble Upa-Lokayuktha called for a report from the Joint Collector. The Joint Collector in turn called for enquiry report by proceedings dated 01.08.2015 in respect of certain fair price shop dealers of Dhone Mandal. When the Joint Collector called for a report, the Revenue Divisional Officer, Kurnool directed the Deputy Tahsildars (Civil Supplies), Dhone, Nandkotkur, Gudur and Atmakur Mandals to collect the petitions filed before the Upa-Lokayuktha and relevant information from the office of the Tahsildar, Dhone Mandal and enquire into the matter and submit a report. Accordingly, enquiry was conducted and it came to light that the commodities are being distributed to the persons not residing in the village, dead persons and persons possessing two cards. On the basis of the said information, the second respondent-Revenue Divisional Officer, Kurnool suspended the authorization of the above petitioners/fair price shop dealers. Challenging the same, the present writ petitions are filed.

The learned counsel for the petitioners submits that the dealers would be distributing the commodities based on the information furnished by the concerned Tahsildars and they have no role to play in respect of allegations that have come out in the

petitions as well as in the enquiry report. He further submits that the persons who are maintaining key registers are supplying information to the rival leaders of political parties in order to enable them to make complaints to the Hon'ble Upa-Lokayuktha against the officers, accounting them to take action against the dealers.

This Court called for the record and in pursuance to the same, the learned Government Pleader for Civil Supplies produced the same.

The record shows that the statements of persons were recorded and a report was submitted to the second respondent. The second respondent took action based on the report submitted to him and hence, the action of suspension of authorization of the petitioners cannot be faulted with, at this stage.

In view of the same, this Court is not inclined to interfere with the order passed by the second respondent, but the second respondent is directed to conduct enquiry in respect of allegations levelled against the petitioners by giving fair opportunity to them to submit their explanation and it is open to the petitioners to explain their role in respect of the allegations. The enquiry shall be completed within a period of 60 days from the date of receipt of a copy of this order. It is needless to mention that the second respondent has to provide the copies of enquiry report to the petitioners in order to give them a fair opportunity.

In view of the allegations levelled by the learned counsel for the petitioners that action is being taken only against some fair price shop dealers, that too only after making complaints to the Hon'ble Lokayuktha/Upa-Lokayuktha, the Joint Collector, Kurnool is directed to enquire into the irregularities committed by other fair price shop dealers under his jurisdiction, more particularly, in Dhone Mandal by deploying necessary staff and take necessary action against the erring officers if they are involved in the irregularities.

With the above directions, these three writ petitions are disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any pending in these writ petitions shall stand closed.

A. RAMALINGESWARA RAO, J.

Date: 05.10.2015

Isn