

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION Nos.24121, 25651 and 25654 of 2015

Between:

K.B.Narasimha Reddy and others.

....Petitioners

and

The Joint Collector,
Kurnool District, Kurnool, A.P.,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 31.08.2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether His Lordship wishes to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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COMMON ORDER:

These Writ Petitions were filed challenging the orders of cancellation of authorization passed on different dates. This Court passed interim order of suspension while considering the Writ Petitions for admission. Learned Government Pleader filed counter affidavits and sought vacation of the interim order. These Writ Petitions are being taken up for final disposal with the consent of the learned Counsel for the petitioners as well as the learned Government Pleader for the respondents.

The petitioners are fair price shop dealers of Dhone Mandal in

Kurnool District. They were appointed on temporary basis. The authorization of the petitioners is valid up to 31.03.2016. While so, some cardholders made a complaint to the Lokayukta on the basis of which the Joint Collector issued instructions to the Deputy Tahsildars, Nandkotkur and Atmakur Mandals for verifying the allegations. During the process of verification it came to light that certain bogus cards were existing and the registers were not maintained properly. The impugned orders of cancellation of authorization were passed by the second respondent by taking into consideration the report submitted by the Tahsildar, Dhone Mandal.

After extracting the report of the Tahsildar, the impugned order in W.P.No.25651 of 2015 reads as follows:

“On perusal of the report, it is the prima facie case, witnessed indulging in clandestine business by the Fair Price Shop Dealer. He contravened the clauses provided in A.P.Public Distribution System (Control) Order, 2008 and conditions mentioned in Fair Price Shop Authorisation.

In view of the above it is clear that the F.P.Shop Dealer is indulging in clandestine business by diverting the Essential Commodities to the black market for her personal gain. He violated clause 22 of (Control) Order, 2008 and breached the conditions mentioned in the F.P.Shop authorization.

It is concluded that the nature of charges are very grave in nature and not pardonable. The F.P.Shop dealer Sri V.V.Sudharshan Reddy F.P.Shop Dealer, Shop No.42 of S.Valasala Village of Dhone Mandal is hereby cancelled. Under sub clause (5) of Clause 5 of the APSPDS (Control) Order, 2008.”

A perusal of the impugned orders shows that no enquiry was conducted in respect of the allegations and a copy of the report was not furnished to the petitioners.

In view of violation of principles of natural justice, this Court is constrained to set aside the impugned orders of cancellation of authorization and remand the matter to the second respondent for conducting an enquiry afresh after giving due opportunity to the

petitioners by serving a copy of the report of the Tahsildar and passing final orders thereon, within a period of two months from the date of receipt of a copy of this order. It is also open to the second respondent to issue notification for filling up of the vacancies on permanent basis, as all the petitioners are stated to be temporary dealers.

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

(A.RAMALINGESWARA RAO, J)

31.08.2015
vs