

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.33904 of 2011

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10.06.2015

Between:

Kaka Padma

...Petitioner

And

The State of Andhra Pradesh,

represented by the Joint Collector, Khammam and others

...Respondents

Counsel for the petitioner: Mr.Chandraiah Sunkara

Counsel for the respondents: Government Pleader
for Civil Supplies (TG)

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside the proceedings, dated 25.11.2011 of respondent No.2, whereby he has cancelled the petitioner's authorization.

A perusal of the impugned order shows that the only ground on which the petitioner's authorization has been cancelled is letter No.116/2010, dated 03.09.2011, of the Joint Collector, Khammam, whereby he has confiscated the seized stock under Section 6-A of the Essential Commodities Act, 1955.

The fact that no separate enquiry has been held by respondent No.2 for cancellation of the petitioner's authorization is not disputed. Indeed, Clause 5(5) of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 (for short 'the Control Order') envisages an enquiry and recording of reasons in writing in the order that may be passed for suspension or cancellation of authorization. In my

opinion, in the face of Clause 5(5) of the Control Order, cancellation of authorization without holding an enquiry cannot be sustained. Even *de hors* the Control Order, as cancellation of authorization results in serious adverse civil consequences to the petitioner, principles of natural justice also mandate such procedure being followed.

As respondent No.2 has failed to follow the aforesaid procedure, impugned order, dated 25.11.2011, cannot be sustained and the same is accordingly quashed. However, respondent No.2 is left with liberty to initiate appropriate action against the petitioner if she has committed serious misconduct in distribution of essential commodities.

Subject to the liberty given to respondent No.2 as above, the Writ Petition is allowed.

As a sequel to allowing the writ petition, interim order, dated 23.12.2011, in W.P.M.P.No.42160 of 2011 is vacated and W.P.M.P.No.42160 of 2011 and W.V.M.P.No.529 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th June, 2015

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