

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.22948 OF 2015

ORDER:

The petitioner is working as permanent fair price shop dealer of shop No.6, Kellampalli village, Marripudi Mandal, Prakasam District. While so, the 5th respondent inspected the shop of the petitioner and submitted a report, dated 08-04-2015. Basing on the same, a show cause notice was issued by the 3rd respondent to the petitioner on 18-04-2015. Though the petitioner submitted his explanation, the 3rd respondent cancelled the authorization of the petitioner by order, dated 30-04-2015 stating that the petitioner did not submit his explanation. Challenging the same, the present writ petition is filed.

2. Learned counsel appearing for the petitioner submits that the petitioner applied for leave during the period of February to April, 2015 and the present allegations relate to the said period.

3. On the basis of the said submission, record was called for from the 4th respondent, who submitted the same. In the record submitted to this Court, the signatures of the petitioner were found as if he has drawn the stock for the months of March and April, 2015. In those circumstances, the petitioner was asked to appear before this Court and accordingly, the petitioner appeared before this Court. The petitioner personally stated that during the relevant period, he did not draw any stock and the stock register does not reveal the drawal of any stock during the said period. He produced copy of the stock register relating to kerosene oil and also stated that the stock register seized and produced before the Joint Collector, also does not contain his signatures. However, it is found that somebody signed in the name of the petitioner in the stock register for the months of March and April, 2015, which resulted in cancellation of authorization of the petitioner. The petitioner, who was present in person before this Court states that some benami person by name K.Venkateswarlu was running the shop at the instance of the 4th respondent and he might have drawn the stock. It appears that even after applying for leave by the petitioner, dated 02-02-2015, the said Venkateswarlu was allowed to run the shop in the name the petitioner, which ultimately led to detection of certain irregularities leading to cancellation of authorization of the petitioner.

4. In the circumstances, the order passed by the 3rd respondent, dated 30-04-2015 is set aside and the 3rd respondent is directed to conduct enquiry with regard to person responsible for irregularities mentioned in the show cause notice issued to the petitioner and recommend necessary action against the person responsible for allowing another person to run the shop when the petitioner was on leave. Since the petitioner applied for leave during the relevant period, the petitioner is allowed to operate the fair price shop from September, 2015 onwards.

5. Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 07-09-2015

Hsd