

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.12937 of 2015

ORDER:

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

2. The petitioner was appointed as a fair price shop dealer of shop No.21 of Molagavalli Village, Alur Mandal, Kurnool District on regular basis. The authorisation of the petitioner is subsisting upto 31.03.2016. While so, based on the report submitted by the fifth respondent dated 19.02.2015, the fourth respondent issued a show cause notice on 23.02.2015 calling for the explanation of the petitioner in respect of the allegations mentioned therein. The petitioner submitted his explanation on 03.03.2015 and after receiving the explanation, the fourth respondent passed an order dated 10.03.2015 canceling the authorisation. Challenging the same, the present Writ Petition is filed.

3. This Court, by order dated 29.04.2015, *prima facie* observing that in view of the ratio of this Court in **M.Kalyani v. District Collector, Prakasam District, Ongole**^[1], the present Writ Petition is a fit case for admission, though the order impugned is appellable and accordingly issued notice before admission. No counter-affidavit is filed by the learned Government Pleader so far.

4. This Court carefully perused the charges leveled against the petitioner. It is clear from the above facts that a show cause notice was issued to the petitioner on 23.02.2015 and the petitioner submitted his explanation on 03.03.2015. The impugned order was passed on 10.03.2015 based on the explanation only without conducting any enquiry, holding as follows:

“ The explanation given by the dealer is not convincing. Hence the FP shop dealership held by Sri K.Venkata Ramudu for shop No.21 Molagavalli (village) of Alur (M) is hereby cancelled with immediate effect.”

5. In the circumstances, the impugned order of the fourth respondent dated 10.03.2015 is set aside and the fourth respondent is directed to conduct an enquiry into the allegations and pass final orders within a period of 30 days from the date of receipt of a copy of this order after giving due opportunity to the petitioner.

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: 17.07.2015

TJMR

[\[1\]](#) 2006 (5) ALD 796 (DB)