

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 27192 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner is appointed as Fair Price Shop Dealer for Shop No. 37 of Veerannapalem village, Parchhuru Mandal, Prakasam District. The Fair Price Shop of the petitioner was inspected by the Enforcement Deputy Tahsildar, Singarayakonda on 14.09.2014 and certain irregularities were noticed. Thereafter a report was submitted, based on which, the third respondent passed an order suspending the authorization of the petitioner on 14.10.2014. Though the petitioner preferred an appeal against the said order of suspension to the second respondent, when no orders are passed, the petitioner approached this Court in Writ Petition No. 36196 of 2014 which was disposed of by this Court through order dated 27.11.2014 directing the third respondent to complete the enquiry by giving an opportunity to the petitioner. Though this Court directed to complete the enquiry within two months, the third respondent issued notice only on 18.5.2015 asking the petitioner to appear for enquiry on 25.5.2015 at 3.30 PM. The said order was served on the petitioner on 25.5.2015 at 11.30 AM and the distance between the residence of the petitioner and the office of the third respondent is stated to be 50 Kilometers. In those circumstances, the petitioner could not attend the enquiry. The order of cancellation was passed on 17.6.2015 holding that the petitioner did not turn up to attend the enquiry and submit any

explanation against the charges levelled against him.

In view of the violation of principles of natural justice and more so, in the light of the order of this Court dated 27.11.2014 in Writ Petition No. 36196 of 2014, the impugned order of cancellation of authorization of the petitioner dated 17.6.2015 is set aside and the matter is remanded to the third respondent for conducting enquiry in terms of the orders of this Court dated 27.11.2014 in Writ Petition No. 36196 of 2014 and pass final orders thereon within a period of thirty days from the date of receipt of a copy of this order by giving due opportunity to the petitioner.

The Writ Petition is allowed to the extent indicated above. However it is needless to mention that in view of the present order, the appeal preferred by the petitioner against the impugned order before the second respondent has become infructuous.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 26th August, 2015.
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