

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.11915 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the Government Pleader for the Civil Supplies for the State of Andhra Pradesh.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the 2nd respondent in terminating the dealership of the petitioner's fair price shop vide proceedings dated 19.08.2014, as illegal and arbitrary and for a consequential direction to set aside the same and permit the petitioner to distribute the essential commodities to the cardholders of Yerrangivandlapalle H/o Hasanapuram Village, Ramapuram Mandal, YSR Kadapa District.

3. The fair price shop of the petitioner was inspected by the Enforcement Deputy Tahsildar and found certain variations in the stock, submitted a report dated 11.08.2014 to the 2nd respondent. The 2nd respondent in turn vide proceedings dated 19.08.2014 terminated the dealership of the petitioner. The grievance of the petitioner is that the 2nd respondent has passed the order straightaway terminating the dealership of the petitioner without conducting any enquiry or giving notice, which is contrary to Clause 5(5) of the A.P. State Public Distribution System Control Order, 2001.

4. Perusal of the impugned order shows that the order terminating the dealership of the petitioner was passed by the 2nd respondent-Revenue Divisional Officer, solely basing on the report of the Deputy Tahsildar, without affording any opportunity of hearing or conducting any enquiry. Therefore, the termination order is liable to be set aside.

5. The writ petition is accordingly allowed by setting aside the impugned

termination order passed by the 2nd respondent against the petitioner.
Miscellaneous applications, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 24.04.2015

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