HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.11009 OF 2011

ORDER:

The petitioner challenged the proceedings dated 13.04.2011 in Proc.No.2183/2010, passed by the 1st respondent-The Revenue Divisional Officer, Medak, by way of this Writ Petition.

2) The case of the petitioner is that he was appointed as Fair Price Shop Dealer, for Shop No.1 of Haveli Ghanapur village of Medak District. On a complaint made by some unknown persons, a show cause notice dated 28.10.2010 was issued alleging that there was an excess of 2.24 quintals of PRDS Rice lifted than the requirement and also alleged short fall of 10 kgs., of Sugar, 120 ltrs., of Kerosene oil and 134 packets of Palm oil. Petitioner immediately submitted her explanation on 06.11.2010 denying the allegations and also explained her stand. In the interregnum period the petitioner was not being allowed to lift the stock, he approached this Court by filing W.P.No.4579 of 2011 and this court has disposed of the same by an order dated 25.02.2011, directing the respondents to allow the distribution of the essential commodities as long as the authorisation in favour of the petitioner is in force. In other words, if there is no suspension or the cancellation of the Fair Price Shop Dealership authorisation, petitioner was required to be permitted to distribute the essential commodities to the public. On receipt of the order dated 25.02.2011, the present order dated 13.04.2011 has been made by the 1st respondent suspending the authorisation of the petitioner. This court while issuing rule nisi on 20.04.2011 granted interim stay as prayed for.

3) A perusal of the proceedings dated 13.04.2011, does not reveal any application of mind on the part of the 1st respondent, particularly to the explanation submitted by the petitioner on 06.11.2010. What all has been stated in the impugned order by the 1st respondent that explanation submitted, but not convinced. The statement of the 1st respondent that he is not convinced with the explanation submitted can hardly be subject to any consideration of the explanation submitted by the petitioner. It is well settled that an order of a quasi judicial or administrative order should reflect the reasons, especially when the order is likely to affect the individual's likelihood. In that view of the matter, the order dated 13.04.2011 suffers from the vice of being a non-speaking order.

4) Accordingly, the same is set aside. Considering the fact that the order was only suspension pending enquiry and admittedly no enquiry as such is conducted even as on today, the 1st respondent shall complete the enquiry which was initiated by issuing a Show Cause Notice on 28.10.2010. In that process, the explanation submitted by the petitioner on 06.11.2010 and any further explanation that the petitioner may choose to make shall be considered and also petitioner shall be rendered an opportunity of hearing before passing orders pursuant to the Show Cause Notice dated 28.10.2010.

5) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

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JUSTICE CHALLA KODANDA RAM

Dated:17.11.2015.
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