

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.37125 of 2015

ORDER:

In this Writ Petition, the petitioner questions the order dt.17.10.2015 passed by the 2nd respondent canceling the Fair Price Shop dealership authorization of the petitioner.

It is the contention of learned counsel for the petitioner that the show cause notice dt.08.10.2015 issued by the 2nd respondent initiating proceedings against the petitioner was not communicated to him, that no enquiry as contemplated under the A.P. State Public Distribution System (Control) Order, 2008 was conducted and even the notice allegedly issued fixing the date of enquiry was not communicated to the petitioner.

Learned Government Pleader on instructions states that there is no material to show that the show cause notice

dt. 08.10.2015 issued by the 2nd respondent was served on the petitioner. Although, learned Government Pleader states that notice is said to have been served on the wife of the petitioner, the petitioner denied it.

Therefore, since it is not established that the show cause notice dt. 08.10.2015 issued by the 2nd respondent was served on the petitioner at all, the impugned order dt. 08.10.2015 of the 2nd respondent is passed in violation of principles of natural justice and is set aside.

The petitioner is granted two weeks from the date of receipt of a copy of this order to submit a reply to the show cause notice dt.08.10.2015 issued by the 2nd respondent; the 2nd respondent shall fix a date for enquiry into the allegations against the petitioner and communicate the same to the petitioner; and then, after conducting such enquiry, pass a reasoned order and communicate the same to the petitioner.

The Writ Petition is accordingly allowed. Till above process is completed, the respondents shall supply essential commodities to the petitioner subject to the petitioner complying with the procedure prescribed thereto. There shall be no order

as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23.11.2015

Note: issue c.c. in one week.

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THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

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DATED: 23.11.2015

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