

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.30250 of 2015

ORDER:

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

2. The petitioner was appointed as the fair price shop dealer for shop No.32, 17th Ward, Adoni, Kurnool District. The shop of the petitioner was inspected by the Tahsildar, Adoni and noticed some irregularities. Thereafter, the Tahsildar, Adoni submitted a report on 20.04.2015, based on which, the first respondent issued show cause notice dated 30.04.2015 to the petitioner. The petitioner submitted his explanation denying the allegations levelled against him. Being not satisfied with his explanation, the first respondent by order dated 19.06.2015 cancelled the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

3. This Court carefully perused the impugned order. The operative portion of the said order reads as follows:

“ The report of the Tahsildar, Adoni and the explanation of the dealer have been perused. On verification of the explanation of the dealer, it clearly shows that he is not maintaining the F.P. Shop regularly and not distributing ECs to the card holders properly. More over the explanation submitted by the dealer is not convincing. As the dealer has contravened/violated the conditions of A.P.P.D.S. Control Order 2008, the FP shop dealership/authorization held by the dealer is hereby cancelled with immediate effect.”

4. When the petitioner has denied the charges leveled against him, burden is on the authorities to prove the charges and the petitioner cannot be asked to prove negative. A perusal of the impugned order indicates that no enquiry was conducted and only explanation of the

petitioner was compared with the report of the Tahsildar and finally order of cancellation of authorization was passed. In the circumstances, this Court is inclined to set aside the order dated 19.06.2015 passed by the first respondent.

5. Accordingly the writ petition is allowed setting aside the order dated 19.06.2015 passed by the first respondent. However, it is open to the first respondent to conduct an enquiry by following the due process of law and pass final order thereon. Till the enquiry is completed and final order is passed, the petitioner shall not be disturbed from his fair price shop dealership.

6. The writ petition is allowed to the extent indicated above. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 16.09.2015

TJMR