

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION NO.32084 OF 2015

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ORDER:

The petitioner was appointed as permanent Fair Price Shop dealer of Shop No.1 of Vizianagaram town. Basing on the report of the Assistant Supply Officer and Deputy Tahsildar, the authorisation of the petitioner was suspended on 07-12-2011. Challenging the said order of suspension, the petitioner preferred an appeal before the Joint Collector, Vizianagaram in the year 2011, who confirmed the order of the 3rd respondent by order, dated 04-06-2015. Challenging the same, the petitioner preferred W.P.No.10795 of 2015 and this Court disposed of the writ petition by order, dated 16-06-2015 directing the 3rd respondent to complete the enquiry in respect of the allegations and pass final orders thereon within a period of two months from the date of receipt of a copy of that order. It appears that copy of the order was received on 27-06-2015 and show cause notice was issued to the petitioner on 03-09-2015 and the petitioner submitted his explanation on 07-09-2015. Thereafter, within two days, an order of cancellation of authorisation was passed by proceedings, dated 09-09-2015. Challenging the same, the present writ petition is filed.

2. A reading of the impugned order makes it clear that after receipt of copy of the order of this Court on 27-06-2015, the Tahsildar, Vizianagaram was directed to conduct an enquiry by proceedings, dated 29-07-2015. It appears that he conducted enquiry with the assistance of three Deputy Tahsildars and they submitted a report on 31-08-2015. After receipt of the said report only, a show cause notice was issued on 03-09-2015 and the petitioner explanation was invited. The petitioner submitted his explanation on 07-09-2015 denying the charges. When the petitioner denied the charges, it is incumbent upon the 3rd respondent to conduct an enquiry, but he did not conduct an enquiry. He passed order of cancellation of authorisation of the petitioner based on the earlier report submitted by the Tahsildar, dated 31-08-2015, much before issuance of show cause notice. The 3rd respondent should know that the principles of natural justice require that after receipt of explanation from the petitioner in respect of the charges levelled against him, the petitioner is entitled for a copy of the report, which is sought to be relied against him and an enquiry had to take place in respect of the charges. The said procedure has not been followed in the instant case. In view of the same, this Court is constrained

to set aside the impugned order, dated 09-09-2015.

3. Accordingly, the writ petition is allowed at the stage of admission setting aside the impugned order, dated 09-09-2015. However, it is open to the 3rd respondent to supply a copy of the report of the Tahsildar, dated 31-08-2015 to the petitioner and conduct an enquiry in respect of the allegations levelled against the petitioner and complete the same within a period of 30 days from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 01-10-2015

Hsd