

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.9324 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

As per the averments made in the Writ Petition, the petitioner belongs to Scheduled Caste community and she was appointed as Fair Price Shop dealer for Shop No.3, Adoni Town, Kurnool District, by proceedings dated 03.10.1985. While so, the third respondent, on the basis of the report alleged to have been submitted by the fourth respondent, cancelled the authorization by impugned order dated 09.03.2015.

A reading of the impugned order shows that the Tahsildar submitted a report for cancellation of the authorization held by the petitioner on the ground that the husband of the dealer was working as attender in Archeology Department and died in the year 1996 and the petitioner was drawing monthly family pension, and as such, she was not eligible to function as Fair Price Shop dealer. A notice was issued to the petitioner to attend personally before the Revenue Divisional Officer on 23.02.2015 for enquiry and she admitted that she was drawing monthly family pension in view of death of her husband, who was working in Archeological Department. After narrating the above facts, the following order was passed by the Revenue Divisional Officer:

“The report of the Tahsildar, and the explanation of the dealer have been perused. The report of the Tahsildar has been taken into consideration the FP Shop dealership/Authorization held by the dealer is hereby cancelled with immediate effect.

The Tahsildar Adoni is requested to make alternate arrangement for uninterrupted direction of EC's to the card holder and report compliance.”

The impugned order does not disclose the violation of any clause of authorization or the conditions of authorization. The impugned order also does not disclose violation of the provisions of the Control Order.

In the circumstances, the impugned order passed by the third respondent, dated 09.03.2015, is set aside and the Writ Petition is allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

01.06.2015

vs

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