

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 23938 OF 2015

BETWEEN

Sri K.Gnaneswar

...Petitioner

And

The State of Telangana,

Rep. by its Principal Secretary (Revenue Dept),

Telangana Secretariat, Hyderabad and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 31.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO.

**HONOURABLE SRI JUSTICE
A. RAMALINGESWARA RAO**

WRIT PETITION No. 23938 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 1 of Dharoor Village, Ranga Reddy District. It appears that the Tahsildar, Dharur Mandal submitted a report on 29.6.2015, based on which, a Memo was issued to the petitioner without framing any charges. The petitioner submitted his

explanation with regard to distribution of commodities as it was alleged in the memo that the petitioner/dealer is not distributing the commodities to the AFSC holders. After receiving the explanation on 8.7.2015, it appears that the matter was referred to the Tahsildar, who submitted a report on 13.7.2015. Based on the said report, the impugned order was passed on 23.07.2015 suspending the authorization, but indicating it as cancellation of authorization. Challenging the same, the present Writ Petition is filed.

The subject memo was issued on 29.6.2015 asking the petitioner to submit his explanation with regard to non distribution of essential commodities to AFSC holders and improper entries made in the Stock Distribution Register. The petitioner submitted his explanation on 8.7.2015 giving complete details with regard to the stocks for the months of April, May and June of 2015. No enquiry was conducted by the second respondent and impugned order was passed without indicating whether it is cancellation of authorization or suspension of authorization pending enquiry. No specific charges were framed in the memo. However, the petitioner submitted detailed explanation. In view of that explanation, the second respondent ought to have conducted an enquiry in order to verify the veracity of the statement made in the explanation. The impugned order is passed observing as follows:

“ The Tahsildar has conducted door to door open enquiry and during the enquiry, the local people have stated that they have not received (35) Kgs of rice with an apprehension that their cards may be cancelled and living in joint family.

The Tahsildar has asked if instruction is given the remaining stock will be distributed to AFSC beneficiaries. In the meantime he had not approached office of Tahsildar for further proceedings.

In view of the reports, relevant records and on perusal of explanation submitted by the dealer, it is construed that the dealer has not distributed the essential commodities to AFSC beneficiaries and made improper entries in Stock Distribution Register.

In view of the above, Sri K.Gnaneshwar dealer of Fair Price Shop No.1 of Dharur Village is hereby suspended for violation of rules laid down in Essential Commodities Act, 1955 and Clause No. 17(1)(c) of APSPDS (Control) Order, 2008.”

A perusal of the above order does not disclose any meaning with regard to the role of the Tahsildar and as to why the dealer has to approach the Tahsildar for further proceedings. In the circumstances, this Court is satisfied that the impugned order is passed by the second respondent without applying her mind and accordingly the same is set aside. However, it is left open to the second respondent to conduct an enquiry in respect of the allegations mentioned in the memo dated 29.6.2015 and in the light of the explanation submitted by the petitioner on 8.7.2015 and pass appropriate orders thereon.

The Writ Petition is accordingly disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 31st JULY, 2015.

Msnr_x