

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30720 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 a fair price shop dealer of shop No.31 of Kovaramguttapalle Village, Simhadripuram Mandal, Y.S.R. Kadapa District. It appears that the shop of the petitioner was inspected by the Enforcement Deputy Tahsildar and he submitted a report on 10.10.2014 to the third respondent. Basing on the same, the third respondent issued a show cause notice to the petitioner on 20.10.2014 and the petitioner submitted his explanation on 01.04.2015. After receipt of the explanation, the third respondent suspended the authorization of the petitioner on 01.04.2015. Challenging the same, the petitioner filed W.P.No.10422 of 2015 and this Court, by order dated 13.04.2015, suspended the order of suspension and gave liberty to the third respondent to conduct an enquiry and pass final orders. Thereafter, it appears that a report was called for from the fourth respondent, and on the basis of the said report, an order of cancellation was passed on 02.09.2015 by the third respondent. Challenging the same, the present writ petition is filed.

3. This Court carefully perused the impugned order of cancellation of authorization of the petitioner. It is apparent from the said order that no enquiry was conducted and it was passed with the following observations.

“ After examining the report of the Tahasildar it is clear that earlier there were allegations as per the inspection authorities that the Dealer is distributing the commodities from the unofficial place instead of the House No.1/228 indicated in the Authorization order and dealer submitted explanation that he is distributing the commodities in the House shown in the Authorization Order. But as per the present report of Tahasildar the dealer is distributing the commodities from the unauthorized house instead of the House shown in the Authorisation Letter. Further in the final inspection it is noticed that he is not distributing the commodities for 128 card holders

against the card holders of 273 and distributing the commodities with lesser weight and importantly kerosene is distributing for 2 months on that to 1½ litre. Hence it is clear that the dealer is doing the same irregularities which was earlier committed.

The above mentioned allegations to the effect that the dealer is distributing the commodities from the unauthorized place in House No.2/178 instead of the Authorized place in House No.1/228 and violated the PDS orders and the Authorization order condition 12 of section 4. Further the Essential commodities are distributed with lesser weight and the kerosene is given once in 2 months and the Essential commodities are diverted to black market for the own profit and as such it is proved that the condition No.8 is violated and as such as per clause 5(5) the Authorization of C.Ganganna Fair Price Shop Dealer, Kovaramguttapalle is cancelled.”

4. In view of the same, this Court is constrained to set aside the impugned order of cancellation dated 02.09.2015 and remand the matter to the third respondent for conducting an enquiry, by giving due opportunity to the petitioner, and pass final orders thereon within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, allowed. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 21.09.2015

TJMR