THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.14812 of 2015

ORDER:

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

The petitioner was appointed as a fair price shop dealer on permanent basis by proceedings of the third respondent dated 26.02.1997. On 25.02.2015 the fourth respondent visited the shop and conducted a panchanama. When the stock was not released, the petitioner filed W.P.No.7413 of 2015 and this Court passed an interim order to release the stock. Thereafter, the stock was released. But, an order of cancellation was issued on 20.04.2015, challenging which the present Writ Petition is filed.

This Court called for the records in view of the allegation made by the petitioner that on 27.03.2015 the petitioner along with her advocate went to the office of the third respondent, filed vakalat and requested time for filing counter affidavit. The office note in the file indicates that the file was put up on 19.03.2015 for appropriate action by the Revenue Divisional Officer pursuant to the 6A proceedings and it was followed by another note on 27.03.2015 posting the case on 27.03.2015 itself. A perusal of the impugned order dated 20.04.2015 indicates that a show cause notice was issued on 20.03.2015, for which there is no noting in the office file. Now the petitioner states that her advocate appeared on 27.03.2015 and sought for time. Without giving sufficient opportunity pursuant to the alleged show cause notice dated 20.03.2015, the impugned order was passed on 20.04.2015.

In the circumstances, the cancellation of authorisation of the petitioner by the impugned order is set aside, but giving liberty to the third respondent to conduct enquiry in respect of the allegations levelled against the petitioner and

complete the same by duly observing the principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is partly allowed as indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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(A.RAMALINGESWARA RAO, J)

16.06.2015

vs

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