

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO
WRIT PETITION NO. 28610 of 2015

ORDER:

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

The petitioner is the Fair Price Shop Dealer for Shop No. 13 of Kosigi Village, Kosigi Mandal, Kurnool District. The Fair Price Shop of the petitioner was inspected by the Tahsildar, Kosigi and noticed some irregularities. Thereafter, the Tahsildar, Kosigi submitted a report on 12.8.2015, based on which, the third respondent issued show cause notice dated 12.8.2015 to the petitioner. The petitioner submitted his explanation denying the allegations levelled against him. Being not satisfied with his explanation, the third respondent by order dated 22.08.2015 cancelled the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

This Court carefully perused the impugned order. The operative portion of the said order reads as follows:

“ The report of the Tahsildar, Kosigi and the explanation of the dealer have been perused. On verification of the explanation of the dealer, it clearly shows that he is not maintaining the FP shop regularly and not distributing ECs to the card holders properly. Further the card holders of the FP Shop have stated that he is working as teacher in Mount Carmal School and also maintaining Mee-Seva Center also. They have also stated that the dealer is distributing sugar for the month of April ½ kgs for Rs. 7/-. The Tahsildar has enclosed the Xerox copy of Sanctioned of Mee-Seva Center (Agent IDAPOPPO 2691) E. Chandrasekhar in favour of E. Chandrasekhar. So that it is very clearly that the dealer is maintaining Mee-Seva centers which was sanctioned in his name . The explanation submitted by the dealer is false. Hence the charge is proved. More over the explanations submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of APPDS Control Order 2008. The F.P. Shop authorization held by the dealer is hereby cancelled with immediate

effect.”

When the petitioner has denied the charges levelled against him, burden is on the authorities to prove the charges and the petitioner cannot be asked to prove negative. A perusal of the impugned order indicates that no enquiry was conducted and only explanation of the petitioner was compared with the report of the Tahsildar and finally order of cancellation of authorization was passed. In the circumstances, this Court is inclined to set aside the order dated 22.8.2015 passed by the third respondent.

Accordingly the Writ Petition is allowed setting aside the order dated 22.8.2015 passed by the third respondent. However, it is open to the third respondent to conduct an enquiry by following the due process of law and pass final order there on. Till the enquiry is completed and final order is passed, the petitioner shall not be disturbed from his Fair Price Shop Dealership.

The Writ Petition is allowed to the extent indicated above. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending consideration if any, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

Dated 04.09.2015

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