

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

**-
WRIT PETITION No.27738 of 2015**

DATE 31-08-2015

Between:

Chebrolu Ashok

... Petitioner

And

1. The State of Andhra Pradesh, rep. by its Ex-Officio Secretary to Government Consumer affairs, Food and Civil Supplies Department, Secretariat Buildings, Hyderabad, and others.

... Respondents

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.27738 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of Shop No.18 of Serigollepalli Village, Gudivada Mandal, Krishna District, and his authorisation is valid up to 31.03.2016. However, on the basis of the report submitted by the 3rd respondent, 2nd respondent issued a show cause notice on 12.02.2015 mainly alleging that the petitioner distributed the commodities to nine card holders by forging the signatures and that he was residing in another village for the last one year. The petitioner submitted his explanation on 10.07.2015 denying the allegations made against him. On earlier occasion the petitioner approached this Court by filing in W.P.No.15854 of 2015 and this Court disposed of the said writ petition on 8.06.2015 and directed the 2nd respondent to complete the enquiry within two months. Thereafter, the impugned order of cancellation of authorisation was passed on 14.08.2015, which was challenged in this writ petition.

The show cause notice shows that two charges were levelled against the petitioner relating to distribution of commodities to the card holders who died and that the shop was run by his father. In respect of the two allegations the petitioner gave a detailed explanation along with documentary evidence. But the 2nd respondent instead of conducting enquiry, referred the matter to the 3rd respondent, who in turn referred the matter to the Revenue Inspector, Gudivada, and based on their report the impugned order of cancellation of authorisation was passed without adverting to the explanation submitted by the petitioner or conducting enquiry in spite of the direction of this Court in W.P.No.15854 of 2015 dated 8.06.2015.

In the circumstances, the impugned order dated 14.08.2015 passed by the 2nd respondent is set aside and the matter is remanded for conducting enquiry in accordance with law after giving due opportunity to the petitioner and considering his explanation, and pass appropriate orders thereon within a period of two months from the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions if any shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

31st August, 2015
Js.