

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23429 of 2015

Between:

Ediga Muneendra

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Consumer Affairs, Food & Civil Supplies Department,
Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The petitioner was appointed as a permanent F.P. Shop Dealer of Shop No.37 of Nallagundla, H/o. Odimagugula Village, Tuggali Mandal, Kurnool District. While so, the 3rd respondent, basing on the report dated 6.04.2015 submitted by the 4th respondent-Tahsildar, Tuggali Mandal, issued a show cause notice on 13.04.2015. On receipt of explanation dated 23.04.2015 from the petitioner, the 3rd respondent forwarded the same to the 4th respondent for enquiry. The 3rd respondent without conducting any enquiry called for a report from the 4th respondent and based on his report dated 24.06.2015, the 3rd respondent passed the order of cancellation of authorisation of the petitioner vide proceedings dated 14.07.2015. Challenging the same, the present writ petition is filed.

The main allegation levelled against the petitioner was that the petitioner was not distributing essential commodities to the cardholders but a benami person by name Gosi Muneppa and his family members are distributing the same. In the explanation submitted by the petitioner to the 3rd respondent, he denied the said allegation.

When the petitioner denied the allegations levelled against him, the 3rd respondent is under an obligation to conduct enquiry, but he delegated his power to the 4th respondent, who confirmed the report submitted by him on 6.04.2015. Without conducting any enquiry, basing on the report of the 4th respondent, the 3rd respondent passed the impugned order, which reads as under:

The report of the Tahsildar has been taken to the consideration. The F.P. Shop Dealership Authorisation held by Sri E. Muneendra F.P. Shop

No.37, Nallagundla H/o. Bandimadugula Village of
Tuggali Mandal is hereby cancelled with immediate
effect.”

In the circumstances, the order passed by the 3rd respondent
dated 4.07.2015, without proving the allegations levelled against the
petitioner and without conducting enquiry after giving opportunity to
him, is unsustainable, and the same is accordingly set aside.

The writ petition is accordingly allowed. Pending miscellaneous
petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

29th July, 2015

Js.