

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 18754 of 2015

ORDER:

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

2. The petitioner was appointed as a Fair Price Shop Dealer of Shop No.2236073 of Pangidi Village, Khammam Urban and Mandal, Khammam District. While so, on 11.06.2015 the Deputy Tahsildar (CS), Khammam Urban, inspected the shop, found variation in the stock and accordingly conducted a panchnama. Based on which, 6A proceedings were initiated against the petitioner. However, pursuant to the 6A proceedings, the 3rd respondent suspended the authorization of the petitioner on 17.06.2015. Challenging the same, the present writ petition is filed.

3. A reading of the impugned order shows that some variation in the stock was noticed by the Deputy Tahsildar (CS), Khammam Urban, based on which, 6A proceedings were initiated against the petitioner. In pursuance of the 6A proceedings, the 3rd respondent passed the impugned order suspending the authorization of the petitioner. The petitioner had no opportunity to submit his explanation in the absence of charges.

4. This Court finds that the entire procedure followed by the 3rd respondent is contrary to law, as no show cause notice was issued to the petitioner alleging any charge. The petitioner had no opportunity to submit his explanation and no enquiry was conducted in respect of any specific charge.

5. In the circumstances, the impugned order dated 17.06.2015 is set aside and the writ petition is allowed. However, this will not preclude the 3rd respondent from following due process of law by issuing a show cause notice to the petitioner giving

an opportunity of submitting explanation and conducting an enquiry thereon.

6. The Writ Petition is allowed accordingly. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

25th June, 2015

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