

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.21484 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and, with their consent, the Writ Petition is being disposed of at the admission stage.

The petitioner is a fair price shop dealer of F.P.Shop No. 28, Vempadam Village, Poosapatirega Mandal, Vizianagaram District. While so, the shop of the petitioner was inspected by the District Enforcement Revenue Inspector, Vizianagaram and 6A proceedings were initiated which ended in confiscation of 60% of seized stock by the second respondent. Based on the said proceedings, the third respondent issued a show cause notice after two months of conclusion of 6A proceedings and the petitioner submitted his explanation. Thereafter, without conducting any enquiry, the authorization of the petitioner was cancelled by the impugned order. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner submits that the authorization of the petitioner was cancelled without conducting any enquiry and passed a laconic order.

I have perused the impugned order dated 02.07.2015 in which the third respondent, by extracting the charge and explanation, ordered cancellation of authorization with the following observations:

“On perused the explanation offered by the dealer and observed that it is not convincing sustainable. Therefore, the authorization of the F.P.Shop Dealer, Shop No.28, Tallapeta H/o. Vempadam is hereby cancelled.”

However, the charges are similar in respect of which 6A proceedings were initiated by the second respondent.

In the circumstances, the impugned order dated 02.07.2015 is set aside. However, liberty is given to the third respondent to conduct an independent enquiry in respect of the charges levelled against the petitioner, and pass appropriate orders thereon, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:13.07.2015
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