

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21877 of 2015

DATED 15th July, 2015

BETWEEN

V.Narasimhulu

...Petitioner

And

The State of Andhra Pradesh
Rep. by its Secretary to Government,
Civil Supplies Department, AP Secretariat,
Hyderabad.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21877 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Kadirinaidupalli village, Marripadu Mandal, SPSR Nellore District in the year 1990. While so, on the basis of the report of the Mandal Revenue Officer, the authorization of the petitioner was suspended on 26.8.2004 and a show cause notice was issued on the same day. The petitioner submitted his explanation. Based on the said explanation, an order was passed on 28.12.2011 cancelling the authorization of the petitioner. Against the said order, the petitioner preferred an appeal to the second respondent, who allowed the said appeal by order dated 28.5.2013 remanding the matter to the third

respondent directing him to finalize the proceedings within weeks. Thereafter the third respondent passed order dated 20.03.2015 confirming the earlier order passed on 28.12.2011. Challenging the same, the present Writ Petition is filed.

The third respondent should have seen that an appeal was preferred by the petitioner against the order dated 28.12.2011 cancelling his authorization. The said appeal was taken up by the second respondent and an order was passed therein on 28.5.2013 remanding the matter to the third respondent directing him to finalize the proceedings within two weeks. In view of the said order, the order dated 28.12.2011 does not exist. The third respondent is expected to conduct a fresh enquiry and take an independent decision. Instead, the third respondent passed the impugned order dt.20.3.2015 simply confirming the earlier order by holding that since the order was already passed on 28.12.2011, the said order was confirmed. No enquiry was conducted nor reason was assigned by the third respondent while passing the order on 20.3.2015

In the circumstances, the order dated 20.3.2015 is set aside and the Writ Petition is allowed. The third respondent is directed to conduct enquiry by duly observing the principles of natural justice pursuant to the order passed by the second respondent on 28.5.2013 and complete the same within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is allowed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

Dated 15th July, 2015.
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