

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.310 of 2016

ORDER:

Heard the learned counsel for petitioner, and the learned Government Pleader for Civil Supplies for respondent nos.1 to 4.

2. The petitioner's grievance is that the impugned order dt.05.12.2015 cancelling petitioner's Fair Price Shop dealership has been passed without serving the show-cause notice dt.17.10.2015 on the petitioner; without inviting any explanation from petitioner; and without conducting any enquiry as contemplated in sub-clause (5) of Section 5 of the Andhra Pradesh State Public Distribution System (Control) Order, 2008.

3. The learned Government Pleader for Civil Supplies however contended that the petitioner had refused to receive the show-cause notice dt.17.10.2015 and the same was pasted on the door of the residence of petitioner in the presence of villagers on 22.10.2015; and thereafter the impugned order came to be passed.

4. The counsel for petitioner has disputed the contention of the learned Government Pleader that the petitioner had refused to receive the said show-cause notice.

5. In view of the rival contentions of both parties and to avoid any adverse conclusion against either party, and in the interests of justice, the impugned order dt.05.12.2015 passed by 3rd respondent is set aside; the matter is remitted back to 3rd respondent; the petitioner is granted two (02) weeks time from to-day to submit her explanation to the show-cause notice dt.17.10.2015, contents of which are reflected in the impugned order dt.05.12.2015; and the 3rd respondent shall then conduct an enquiry as contemplated in sub-clause (5) of Section 5 of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 by sending notice thereof to petitioner by Registered Post Acknowledgment Due (RPAD) and complete the enquiry into the allegations against the petitioner within a period of three (03) months from to-day. In case the petitioner does not furnish her explanation to the show-cause notice within the time aforesaid or does not participate in the enquiry after receipt of the notice to be sent by 3rd respondent in this regard, it is open to 3rd respondent to proceed *ex parte* in the matter.

6. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 05-01-2016

Ndr/*