**THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.22073 OF 2016**

**ORDER:**

This writ petition is filed to declare the action of the 2nd respondent in not stating that Order Rc.No.B1/3938/2015, dated 17.10.2015 passed by the 3rd respondent has been set aside in the order dated Nil.04.2016 in Appeal No.Rc.B2/SRA/62/2015 as illegal and arbitrary.

The facts of the case are that by order dated 17.10.2015 the Fair price shop authorization granted in favour of the petitioner was cancelled by the 3rd respondent-Revenue Divisional Officer, Bandar. The said order was challenged before the 2nd respondent-Joint Collector, Krishna at Machilipatnam, Krishna District, and the 2nd respondent on 04.06.2016 passed the following order:

> ***"I have gone through the case record and examined the grounds of appeal filed by the appellant against the orders of the Revenue Divisional Officer, Bandar dt.17.10.2015. The main ground of appeal is that the Revenue Divisional Officer, Bandar issued a show-cause notice to the appellant on 08.10.2015 with a direction to attend for personal enquiry on 09.10.2015 and also to explain reasons for the lapses reported and also as to why the authorization issued to the dealer shall not be suspended/cancelled besides imposing the penalty as per the provisions of the A.P. State PDS (Control) Order, 2008, but the same has not been served to the appellant and affixed to the residence of the appellant on 08.10.2015 and the second notice dt.12.10.2015 was also affixed to the residence of the appellant on 12.10.2015. Thus, the Revenue Divisional Officer, Bandar passed final orders on 17.10.2015 without obtaining the written explanation from the dealer for the charges framed against him and also not heard the appellant in person as the both notices are not served on the appellant.***
>
> ***In the above circumstances, it is decided to remand the case to the Revenue Divisional Officer, Bandar to pass appropriate orders after obtaining the written explanation of the appellant.***
>
> ***In view of the above, it is hereby remanded the case to the Revenue Divisional Officer, Bandar with a direction to pass appropriate orders after obtaining the written explanation of the appellant and after giving opportunity of hearing to the appellant as***

***expeditiously as possible preferably within a period of 4 weeks from the date of receipt of this order. Accordingly, the appeal petition is disposed of."***

As can be seen from the above order, the 2nd respondent remanded the matter for consideration de novo, the only obvious result of remanding back would be nullifying the order under challenge. Once the order under challenge is not existing, the petitioner's authorization would automatically gets restored entitling him to carry on the work relating to authorization.

In those circumstances, the writ petition is disposed of directing the 3rd respondent to release the scheduled commodities to the petitioner for distribution. However, it is made clear that the order restoring authorization is subject to the orders that may be passed by the 3rd respondent in de novo enquiry ordered by the 2nd respondent in its appeal. No order as to costs.

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

***Challa Kodanda Ram, J***

14th July, 2016.
Rds

**THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

-
-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-

**WRIT PETITION No.22073 OF 2016**

**Dated : 14.07.2016**

Rds