

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11864 of 2004

ORDER:

This Writ Petition is filed with the following prayer:

“This Hon’ble Court may be pleased to issue appropriate writ, order, or direction more particularly one in the nature of Writ of Certiorari to quash the orders of the third respondent in Rc.No.B1/SP/RP/01/2004, dated 26.02.2004, while confirming the orders dated 26.09.2003 of the second respondent and that of the order dated 15.12.2002 of the first respondent.

2. The case of the petitioner, who is an authorized Fair Price Shop Dealer, is that on 30.10.2002 the Mandal Revenue Officer (MRO) inspected his shop, found shortage of 50.74 quintals of Rice meant for Food for Work, and submitted a written report to the

Sub-Collector/first respondent to the said effect. Thereby, the first respondent, merely basing on the report submitted by the MRO and without considering the explanation submitted by the petitioner, issued suspension orders dated 08.11.2002 suspending the authorization of the petitioner and also issued show cause notice. While the matter stood thus, the first respondent, without considering the explanation of the petitioner submitted on 30.11.2002, cancelled his authorization by order dated 15.12.2002. Questioning the said order of cancellation, petitioner preferred an appeal before the Joint Collector, second respondent, by producing the coupons at the date of personal hearing of the appeal. But the Joint Collector, without considering the same, had dismissed the appeal on 26.09.2003. Aggrieved by the said order of the second respondent, petitioner preferred a revision before the Collector/third respondent and the same was dismissed by order dated 26.02.2004. Hence the present writ petition.

3. Learned counsel for the petitioner contends that the petitioner has not diverted the rice, as alleged; that the said coupons are very much available with the petitioner; that the respondent-authorities without considering the explanation submitted and the coupons produced by the petitioner had passed the impugned orders; and that there is no basis for the factual findings recorded by the respondent-authorities. Learned counsel further contends that the matter may be remanded for fresh consideration.

4. It is apparent from the record that all the authorities had recorded categorical findings that there was misuse of the coupons by the petitioner in relation to Food for Work Programme. It is not the case of the petitioner that the impugned orders are passed in violation of principles of natural justice or that the authorities lack jurisdiction.

5. It is well settled that this Court, in exercise of the jurisdiction under Article 226 of the Constitution of India, cannot reappraise the material on record unless in exceptional circumstances.

6. In those circumstances, I find no merit in the writ petition and the same is liable to be dismissed.

7. Another aspect that is to be noticed in this case is that even as on the date of filing of the writ petition, petitioner was aged about 67 years. Hence, the request of the learned counsel for the petitioner that the matter may be remanded for fresh consideration cannot be acceded to considering the fact that, as per the Rules, granting of fair price shop authorization is restricted to individuals

only upto the age of 40 years.

With the above observation, the Writ Petition is dismissed.
As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

July 19, 2016
LMV