

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.41358 OF 2015

ORDER:

The writ petition is filed challenging the order dated 05.12.2015, passed by the 2nd respondent-R.D.O cancelling the petitioner's authorisation of fair price shop No.15 of Govardhanagiri Village, Veldurthy Mandal, Kurnool District without considering the petitioner's explanation and recording the reasons.

As the point involved in the matter is short, at the request of the learned counsel for the writ petitioner and the Government Pleader, the main writ petition itself is taken up for hearing and disposed of.

Initially, when the authorisation of the petitioner was suspended by the 2nd respondent-R.D.O, the petitioner filed an appeal before the Joint Collector and as no orders were passed by the Joint Collector, the petitioner had filed a Writ Petition No.26674 of 2014 before this Court, and this Court, by an order dated 11.09.2014, disposed of the same. Thereafter, a show cause notice dated 01.04.2015 was issued to the petitioner levelling certain charges. An order dated 18.04.2015, was passed cancelling the authorisation without considering the explanation submitted by the petitioner. The said order was once again assailed in W.P.No.13215 of 2015 and the said writ petition was allowed by a common order dated 17.07.2015 setting aside the order dated 18.04.2015, passed by the 2nd respondent-R.D.O. While doing so, it was further observed that this will not preclude the 2nd respondent from conducting an enquiry in respect of the allegations against the petitioners and passing appropriate orders in accordance with law.

As can be seen from the above, there is a total non-compliance of the common order dated 17.07.2015 of this Court passed in W.P.No.13077 of 2015 and batch. The learned counsel for the petitioner submits that while making the impugned order, the individual Revenue Divisional Officer had overreached the orders passed by this Court and it is not for the first time this particular officer has made this kind of orders.

In the present case, I am not inclined to deal with the same considering the fair submission made by the learned Government Pleader for the

Revenue that the impugned order may be set aside by remanding back the matter to the authorities to deal with the same on merits. However, in view of the apprehension expressed and also on account of the conduct of the incumbent officer, I am inclined to direct the District Collector to designate some other incumbent officer to deal with the cases and conduct an enquiry and pass appropriate orders.

Accordingly, the writ petition is allowed setting aside the order dated 05.12.2015, passed by the 2nd respondent-R.D.O with a direction to the District Collector, Kurnool to entrust the enquiry in relation to this case to some other Revenue Divisional Officer to pass appropriate orders on merits after considering the material available on record and submissions that may be made on behalf of the petitioner, within a period of four weeks from today.

As great reliance is being placed by the 2nd respondent on the enquiry reports alleged to have been submitted by the Tahsildar, it is needless to mention that the 2nd respondent-Enquiry Officer is duty bound to furnish the copies of the enquiry reports to the petitioner. As the impugned order is set aside, the petitioner is entitled to be continued to distribute the essential commodities as the license granted in his favour is deemed to be subsisting. No order as to costs.

Miscellaneous, petitions if any pending, in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

Dated:18.02.2016

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