

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.41995 OF 2015

ORDER:

The writ petition is filed challenging the order dated 10.12.2015, passed by the 2nd respondent-R.D.O cancelling the petitioner's authorisation of fair price shop No.106 of Pothugallu Village, Krishnagiri Mandal, Kurnool District.

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 a Writ Petition No.33532 of 2014 before this Court, and this Court, by an order dated 10.11.2014 suspended the operation of the proceedings dated 22.7.2014 of the 2nd respondent-R.D.O. Thereafter, when the 2nd respondent once again suspended the authorisation of the petitioner even without furnishing the copy of the reports of the 3rd respondent-Tahsildar, the petitioner filed another Writ Petition No.23044 of 2015 and the same was allowed by an order dated 5.8.2015 setting aside the impugned order dated 10.7.2015 and giving liberty to the 2nd respondent to frame charges based on the report of the 3rd respondent and serve the same on the petitioner within a period of 15 days. In compliance of the order dated 5.8.2015 of this Court in W.P.No.23044 of 2015, the 2nd respondent has issued a show cause notice on 5.9.2015 and the petitioner submitted his explanation to the charges levelled against him, but the 2nd respondent even without furnishing the enquiry report to the petitioner passed the impugned order. Hence, the writ petition.

As can be seen from the material available on record, there is a total non-compliance of the order dated 05.08.2015 of this Court passed in W.P.No.23044 of 2015 and the impugned order was passed even without furnishing the enquiry report to the petitioner. Hence, the impugned order deserves to be set aside.

Accordingly, the writ petition is allowed setting aside the order dated

10.12.2015, passed by the 2nd respondent-R.D.O by giving liberty to the 2nd respondent-R.D.O to pass the orders afresh on the explanation submitted by the petitioner and putting him on notice of the exact charge to which he is required to answer. The 2nd respondent shall furnish the copy of the enquiry report to the petitioner. Further, if the petitioner intends to submit any further explanation, the same shall be considered along with the explanation already submitted and after giving him the opportunity of hearing, final orders shall be passed, within a period of four weeks from today. However, in view of the revival of the authorisation of the petitioner, the petitioner is entitled to distribute the essential commodities in terms of the license granted to him. 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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