

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19868 of 2016

ORDER:

The cancellation order dated 02.02.2016 passed by the 2nd respondent is challenged before this Court.

The main ground on which the cancellation has been made is that the petitioner is not residing in 113-Tyalluru Village, Phirangipuram Mandal and residing at Narsipatnam wherein the fair price shop is being run by him.

It is the specific contention of the petitioner that in the impugned order though various references have been given, no specific finding as such has been given except reiterating the contentions said to have been stated by the authorities as well as the complainant one B.Seetha Ram.

Learned Government Pleader for Civil Supplies submits that the order has been made in the month of February and at any rate it is a fact finding and does not require interference of this Court.

Having perused the records and considering the contentions advanced, the contention that the impugned order does not record any finding except reiterating various contents of the references cited is to be accepted. There are no allegations against the petitioner of any irregularities or violation of any of the Control Order except the allegation that as per Revenue Inspector's report, petitioner has a residential flat at Narsipatnam and his children are studying in Oxford School in Narsipatnam. Even assuming for a moment this matter of the aspect to be true, as long as the petitioner is discharging functions entrusted to him under the authorization, merely on account of the fact that for the sake of children education if the dealer's family is residing at another place, that can hardly be a ground for taking away the livelihood by canceling the authorization.

At this stage, learned Government Pleader fairly submits that

subject to the condition of petitioner filing an appeal within two weeks from today, the Joint Collector may be directed to entertain the appeal and pass appropriate orders on merits. Such submission made by the learned Government Pleader is appreciable.

In the facts of the present case, subject to the condition of petitioner approaching the Joint Collector by way of filing an appeal within a period of two weeks from today, the same shall be considered by the Joint Collector on its own merits and appropriate orders be passed therein within six weeks from the date of filing of appeal. Till disposal of appeal by the Joint Collector, the authorization of petitioner stands restored.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

CHALLA KODANDA RAM, J

27th June, 2016

Note : Issue C.C. in three days.

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