

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.42028 OF 2015

ORDER:

The writ petition is filed challenging the order dated 30.11.2015, passed by the 2nd respondent-R.D.O cancelling the petitioner's authorisation of fair price shop No.3 of Chintalapeta Village, Dhone Mandal, Kurnool District, pursuant to the order dated 25.08.2014 passed by this Court in W.P.No.24100 of 2014.

As the point involved in the matter is short, at the request of the learned counsel for the writ petitioner and the Government Pleader for Revenue, 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.24100 of 2014 before this Court, and this Court, by an order dated 25.08.2014, disposed of the same. Thereafter, a show cause notice dated 23.09.2014 was issued to the petitioner levelling certain charges. An order dated 7.7.2015 was passed cancelling the authorisation rejecting the explanation submitted by the petitioner. The said order was once again assailed in W.P.No.24100 of 2014 and the said writ petition was disposed of with a direction to the first respondent Joint Collector to dispose of the appeal filed by the petitioner within a period of eight weeks. The appeal filed by the petitioner was allowed by the Joint Collector and the case was remanded to the 2nd respondent-R.D.O. Thereafter, a show cause notice dated 23.09.2015 was issued and after calling for the report from the Tahsildar, the 2nd respondent-R.D.O cancelled the authorisation of the petitioner. Thereafter, the cancellation orders were challenged in W.P.No.25654 of 2015 and the same was allowed on 31.08.2015 on the ground no enquiry was conducted in respect of the allegations and copy of the report of the Tahsildar which was the basis for cancellation was not furnished to the petitioner.

While doing so, there was a further direction to the 2nd respondent to pass orders after conducting enquiry within a period of two months.

Thereafter, once again, on 30.11.2015, the impugned order was passed. In W.P.No.41333 of 2015, the 2nd respondent while dealing with the charges had observed:

“The Tahsildar, Dhone has reported that, he has conduct a fresh enquiry on 25.11.2015 in which it is revealed that, regarding maintenance of F.P.Shop by the F.P.Shop dealer Smt. P. Vijaya Lalithamma, W/o. A. Raja Sekhar Reddy is not satisfactory. As seen from the report, it is noticed that the F.P Shop dealer, Smt P. Vijayalalithamma is working as Asha worker in Jaladurgam PHC of Peapully Mandal and getting Rs.3,000/- per month as allowance resulting absence of the F.P. Shop dealer it is proved and her husband by name A. Rajasekhar Reddy is maintaining the F.P. Shop.”

As can be seen from the above, there is a total non-compliance of the orders of this Court passed in W.P.Nos.25654 of 2015. 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 deponent of the counter-affidavit, 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 30.11.2015, 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.

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Date:18.02.2016

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