

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

**W.P.No.19187 OF 2015
&
W.A.No.45 OF 2016**

COMMON ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.Mavidi Rama Rao, learned counsel for the writ petitioner and learned Government Pleader for Civil Supplies for respondents.

With the consent of learned counsel appearing for the parties, we propose to dispose of the writ petition and writ appeal by this order.

The writ petitioner challenges proceedings No.170/2015, CS dated 16.06.2015 of the 3rd respondent. Through the impugned proceedings, the 3rd respondent cancelled the fair price shop dealership of writ petitioner under Clause 5(5) of the Andhra Pradesh State Public Distribution System Control Order 2008. The subject matter of the writ petition is Fair Price Shop dealership at Jagannadhapuram Village, Ranasthalam Mandal, Srikakulam District.

On 29.06.2015, this Court suspended the proceedings dated 16.06.2015 of the 3rd respondent. Respondents filed WVMP.No.2737 of 2015 to vacate the interim order dated 29.06.2015 made in W.P.M.P.No.24804 of 2015 in W.P.No.19187 of 2015. Through order dated 06.11.2015, the learned Single Judge has made the interim order absolute.

The respondents being aggrieved by the order dated 06.11.2015 filed W.A.No.45 of 2016. The learned Single Judge through order dated 06.11.2015, while making the stay absolute, has recorded as follows:

“A reading of the impugned order does not indicate that the enquiry as contemplated by law and as explained in the judgment of this Court in B.Manjula v. District Collector, Civil Supplies, Kurnool and others (2015(3) ALD 617), has been conducted by 3rd respondent.

Admittedly, no person who complained against the petitioner was examined in the enquiry which the 3rd respondent held on 28.02.2015 at his office. Therefore, prima facie, I find substance in the contention of petitioner that proper enquiry as required by law has not been conducted

Therefore, the interim order granted on 29.06.2015 made in WPMP.No.24804 of 2015 in W.P.No.19187 of 2015 is made absolute”.

During the course of hearing of the writ appeal, we have made a few suggestions to the learned counsel appearing for the parties with a view to shortening the litigation, for the proceedings dated 16.06.2015 *prima facie* appear to have been passed without enquiry, much less considering the explanation given by the writ petitioner. The learned Government Pleader, from the material available on record, fairly states that the order impugned in the writ petition has to be sustained from the reasoning stated in the impugned proceedings dated 16.06.2015 and it is possible to contend from the reasons recorded in the impugned proceedings that any enquiry is conducted, much less explanation of petitioner is considered in the right perspective.

Having regard to the above submissions, we are satisfied that the writ petition and the writ appeal can be disposed of by this order.

“The proceedings dated 16.06.2015 are set aside as contravening the principles of natural justice and not based upon enquiry conducted by the 3rd respondent. The 3rd respondent/ competent authority is given liberty to proceed from the stage of explanation dated 06.11.2014 of the writ petitioner, conduct enquiry, afford reasonable opportunity to the writ petitioner and pass final orders.

In view of the disposal of the writ petition, no further order is required to be passed in the writ appeal, for the writ appeal is directed against the interim order.

The writ petition and writ appeal are, accordingly, disposed of. No costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 27.01.2016
Lrkm