

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.11862 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The case of the petitioner, as seen from the contents of the affidavit of the petitioner, is that she was appointed as fair price shop dealer in the year 1997 in respect of F.P. Shop No.91, Malkapur Village, Nizamabad Mandal and District. While so, basing on the report dated 16.05.2015 of the Assistant Supply Officer, the 3rd respondent cancelled the authorization of the petitioner and issued show cause notice dated 18.05.2015, for which the petitioner also submitted her explanation dated 23.05.2015. Further, the petitioner approached this Court in W.P.No.31760 of 2015 wherein this Court directed the

3rd respondent to complete the enquiry and pass appropriate orders within 30 days. Pursuant to the same, the 3rd respondent had taken up a detailed enquiry and finally passed the impugned order dated 05.01.2016 canceling the authorization of the petitioner. Challenging the same, the present writ petition is filed.

Operative portion of the impugned order reads as follows:

“On perusing the explanation offered by the F.P. Shop dealer Smt.Maru W/o.Premdas F.P. shop No.91, and the record put forth before me and also the directions of the Hon’ble High Court of Judicature at Hyderabad, W.P.No.31760 of 2015, Dt:13.09.2015 as there is violation of Cl.22 (vi), Cl.22 (iii), Cl.18 (b) and Cl.5 (16) of APS PDS (Control) Order-2008.

Therefore, the Authorization of Smt.Maru W/o.Premdas, F.P. Shop No.91, Malkapur (V), Nizamabad Mandal is hereby cancelled with immediate effect.

An appeal to this order lies before the Appellant Authority, the Collector (CS), Nizamabad within a period of 30 days from the date of receipt of this order.”

From a reading of the impugned order, it is clear that while passing the order of cancellation, except making references to the notices issued to the petitioner and explanation submitted by the petitioner, there is no consideration of any of the contentions raised by the petitioner. The impugned order is made in a cryptic manner.

In that view of the matter and the impugned order being a non-speaking order, the same cannot be sustained. In the absence of recording any reasons for cancellation of authorization of the petitioner in the impugned order, there is nothing for the appellate authority to consider in appeal. Hence, the impugned order dated 05.01.2016 is hereby set aside. However, liberty is given to the respondent-authorities to make a reasoned order after considering the submissions that may be made by the petitioner.

Accordingly, the Writ Petition is allowed. No order as to costs.

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

11th April, 2016.

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