

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18542 OF 2016

ORDER :

This Writ Petition has been filed seeking a mandamus for declaring the action of the 3rd respondent in issuing proceedings Rc.No. B.606/2014, dated 18.03.2016 canceling the petitioner's authorization of the fair price shop No. 29 of Vengalampalli Village, Peapully Mandal, Kurnool District, without recording the reasons and giving an opportunity of hearing, as illegal and arbitrary.

The case of the petitioner is that he was appointed as a fair price shop dealer for the above-detailed shop. Initially, his authorization was suspended vide proceedings dated 28.07.2014 of the 3rd respondent Revenue Divisional Officer, Kurnool. Against the said order, he approached this Court by way of Writ Petition No. 24802 of 2014, which was disposed of directing the 2nd respondent therein to dispose of the appeal preferred by the petitioner and till then, the impugned order therein was directed to be suspended. Thereafter, the 3rd respondent issued a show cause notice on 01.11.2014, for which, the petitioner submitted his explanation. Considering the same, the 3rd respondent vide his proceedings dated 18.04.2015, cancelled his authorization. A challenge was made to the said order in Writ Petition No. 18442 of 2015. This Court, vide its order 24.06.2015, allowed the said Writ Petition, setting aside the order of cancellation of authorization, on the ground that the 3rd respondent has not recorded any reasons. Fresh inquiry was directed to be conducted. Subsequently, the petitioner was served with a show cause notice and he has also submitted explanation. The 3rd respondent, again, without recording any reasons, merely based on the reports submitted by the 4th respondent Tahsildar dated 18.01.2016 and 15.03.2016, behind his back, cancelled his authorization, through proceedings dated 18.03.2016, which gave rise to institution of this Writ Petition.

Learned counsel for the petitioner would submit that the 3rd

respondent is buckling under political pressure and started harassing the petitioner in one way or the other. According to him, the respondent authorities did not even care the orders passed by this Court directing them to proceed in accordance with law, after observing the principles of natural justice.

Heard learned Government Pleader for Civil Supplies (Andhra Pradesh).

Reasons are the live-links every decision-making authority has to assign. They will indicate the lines on which its mind has been applied and they also disclose as to what material weighed with it to come to the conclusion to which it has.

A bare perusal of the order impugned in this Writ Petition, *prima facie*, shows that it merely contains extracts of charges and explanation from one proceedings or the other. The 3rd respondent, who is a *quasi*-judicial authority, has lost sight of the fact that a duty is cast upon him to inquire into the allegations levelled against the petitioner after going through the explanation submitted by him and after giving an opportunity of hearing and then arrive at a just conclusion. The main grievance of the petitioner is that soon after disposal of Writ Petition No. 18442 of 2015, after issuing a show cause notice to him, the 3rd respondent, without conducting any inquiry and without considering his explanation, simply based on the reports submitted by the 4th respondent dated 18.01.2016 and 15.03.2016, cancelled his authorization through the proceedings impugned.

Admittedly, the above-said two reports submitted by the 4th respondent were subsequent to the show cause notice issued to the petitioner on 18.12.2015 and there is no material on record evidencing the fact that the copies of the said reports were made available to the petitioner inviting his objections thereto, which itself is in violation of the fundamental rights guaranteed under our Constitution. Therefore, for all the aforementioned reasons, the order impugned is liable to be set aside.

Hence, the order dated 18.03.2016 is set aside, however, giving

liberty to the 3rd respondent to conduct inquiry, in accordance with the principles enshrined by this Court in plethora of judgments, and pass orders considered appropriate, afresh.

With this, the Writ Petition stands allowed. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

13th June 2016

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