

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10972 OF 2016

ORDER:

It is the case of the petitioner that he is the authorized wholesale kerosene dealer and he lifts kerosene as per allotment given by the 2nd respondent and supplies the same to the fair price shop dealers as per re-allotment orders issued by the Tahsildars concerned in the presence of the route officer deputed for the purpose. While so, on receipt of credible information that the petitioner indulging in clandestine business by delivering less quantity of kerosene to the fair price shop dealers, the 3rd respondent along with other officials visited Neelojipally Village on 16.03.2016 and inspected the stock. Based on the report submitted by the 3rd respondent, the 2nd respondent issued a show cause notice on 19.03.2016 levelling certain allegations against the petitioner. Simultaneously, on the very same day of issuance of show cause notice, the 2nd respondent also passed orders suspending the petitioner's license until further orders. Hence, this writ petition is filed.

Learned counsel for the petitioner submits that the authorization of the petitioner cannot be suspended until the outcome of the result of 6A proceedings, which are pending before the 2nd respondent and no opportunity of hearing the petitioner or submitting his explanation is given.

A perusal of the proceedings dated 19.03.2016 issued by the 2nd respondent shows that the authorization of the petitioner was suspended on the allegation of petitioner indulged in clandestine business by delivering less quantity of kerosene to the fair price shop dealers. As the allegations leveled against the petitioner are serious in nature and no opportunity of hearing or submitting explanation was given to the petitioner, the 2nd respondent shall conduct an enquiry by taking into consideration of the explanation to be submitted by the petitioner.

In the light of the aforesaid discussion, the writ petition is disposed of setting aside the proceedings dated 19.03.2016 passed by the 2nd respondent and the 2nd respondent is directed to give opportunity to the

petitioner to submit his explanation. On submitting the explanation by the petitioner, the enquiry shall be completed within a period of four weeks from the date of submission of the explanation. However, it is made clear that this order does not preclude the respondent authorities from initiating action against the petitioner in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date:06.04.2016.
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