

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23568 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus to declare the orders of the second respondent in his proceedings Rc.B 4932/2015 dated 28.06.2015 in canceling the authorization of the petitioner fair price shop No.13 of Kavali Town and Mandal, SPSR Nellore district as illegal and arbitrary and to pass such other necessary orders.

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

On 04.12.2015, the second respondent suspended the authorization of the petitioner's fair price shop No.13 of Kavali Town and Mandal. On the same day, the second respondent issued a show cause notice to the petitioner. On 12.02.2016, the petitioner submitted his explanation and also approached this Court by way of filing W.P.No.19991 of 2016 challenging the action of the second respondent. On 28.06.2016, this Court disposed of the said writ petition and passed the following order:

"In view of the same, impugned suspension order dated 04.12.2015 is set aside and the petitioner is entitled to distribute the essential commodities till final orders are passed by the second respondent one way or the other. Subject to the above, the Writ Petition is disposed of."

A perusal of the record reveals that the second respondent passed the impugned order on 28.06.2016. Any order passed in violation of principles of natural justice is *non est* in the eye of law. Admittedly, in this case the second respondent passed the

orders without affording any opportunity to the petitioner to put forth his stand.

Taking into consideration the facts and circumstances of the case, I am of the considered view that the order passed by the second respondent on 28.06.2016 is not sustainable in law.

Having regard to the facts and circumstances of the case, the orders passed by the second respondent on 04.12.2015 and 28.06.2016 are set aside and the second respondent is hereby directed to conduct a fresh enquiry after affording reasonable opportunity to the petitioner to put forth his stand. Meanwhile, the second respondent is further directed to restore the authorization of the petitioner's fair price shop No.13 of Kavali Town and Mandal of SPSR Nellore District, for distribution of essential commodities.

Accordingly, the Writ Petition is allowed. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

26.07.2016
Rns

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Date:26.07.2016

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