

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.4640 OF 2016

ORDER :

Heard counsel for the petitioner and the Government Pleader for Civil Supplies appearing for respondents.

2. Petitioner in this Writ Petition has questioned the proceedings dt.28.09.2015 of the 2nd respondent in Ref.No.B/532/2015 canceling the petitioner's Fair Price Shop Dealership authorization.

3. Earlier when the petitioner's authorization was suspended, petitioner had approached this Court by filing W.P.No.25840 of 2015 which was disposed of on 17.08.2015 directing the Revenue Divisional Officer, Jammalamadugu Division to complete the enquiry and pass final orders.

4. The impugned order states that notice of enquiry could not be served on the petitioner by the Tahsildar, Lingala and he reported that the petitioner was not residing in the village and her whereabouts were not known.

5. This fact is disputed by the counsel for the petitioner, who alleges that the notice ought to have been sent by registered post with acknowledgment due to the petitioner's address at Murarichinthala village, Lingala Mandal, YSR Kadapa District.

6. Both the counsel admitted that there is no provision in the Control Order for serving notice of enquiry in any particular manner. The Government Pleader also not disputed that service of notice by registered post with acknowledgment due, is one of the modes ordinarily followed.

7. Having regard to the above, this Writ Petition is allowed; order dt.28.09.2015 in Ref.No.B/532/2015 of the Revenue Divisional Officer, Jammalamadugu Division-2nd respondent is set aside; the matter is remitted back to the 2nd respondent to serve notice on the petitioner about the date of enquiry to be conducted by him under Sub-Clause(5) of Clause(5) of A.P. State Public Distribution System (Control) Order, 2008 by registered post with acknowledgment due, instead of sending it through the Tahsildar, Lingala; and the 2nd respondent is directed to conduct enquiry afresh within two (02) months from the date of receipt of a copy of the order, after giving a personal hearing to the petitioner and after complying with the procedure mandated under the above provision of law. There shall be no order as to costs.

8. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

12th February, 2016.
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