

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA
RAO**

WRIT PETITION No.2009 of 2016

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

2. Petitioner's Fair Price Shop Dealership authorization was cancelled pursuant to the order dt.31-12-2015 by 2nd respondent.

3. One of the main charges against petitioner is that there is a stock variation discovered in the inspection held on 15-06-2015 in respect of certain stocks and that the stock and sales registers were not made available to the Inspecting authority.

4. Petitioner's explanation to the said charge was that petitioner had no advance information about the inspection, that on that day, she was suffering from stomach ache and she had gone to a private hospital. She further stated that even on that day the records were available within the Fair Price Shop only in an almyrah, but its' keys were with her.

5. From the impugned order, it is not clear whether the

sales and stock registers had been produced by petitioner before the

3rd respondent during the course of enquiry, although the learned counsel for petitioner asserts that they were so produced in the enquiry in support of the petitioner's defence that the stock in question had already been distributed to the card holders. The learned counsel for petitioner further contended that no card holder has been examined by respondents in the enquiry conducted to come to the conclusion that no card holder had received the stocks.

6. The impugned order merely states that some panchayatdars had stated that the thumb impressions of the card holders were put by petitioner herself. It is not known how the panchayatdar could know whether the thumb impression appearing in the above registers belong to card holders or not.

7. In this view of the matter, I am of the opinion that 2nd respondent has not conducted a proper enquiry as mandated by sub-Clause (5) of Clause (5) of the A.P. State Public Distribution System (Control) Order, 2008.

8. Therefore the impugned order is set aside. The 2nd respondent is directed to conduct fresh enquiry into the

allegations leveled against petitioner and the petitioner shall produce the stock and sales register in such an enquiry. Both parties are given liberty to examine their respective witnesses in support of their respective stands. The

2nd respondent shall then pass a fresh order in accordance with law. This exercise shall be completed within six (06) weeks from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of with the above directions. No costs.

10. As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 25-01-2016

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