

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20372 of 2016

ORDER

This writ petition is filed seeking to declare the action of 2nd respondent in canceling the authorization of the petitioner vide proceedings dated 14.03.2016 without conducting re-enquiry as directed by the 4th respondent vide proceedings dated 07.06.2016, as illegal and arbitrary.

It is the case of the petitioner that he was appointed as fair price shop dealer in respect of shop No.21, Mynapuram Village, Guntakal Mandal, Ananthapur District. Alleging certain irregularities, the 2nd respondent passed order dated 14.03.2016 canceling the fair price shop authorization of the petitioner without conducting enquiry and without considering the explanation submitted by the petitioner. Challenging the same, petitioner filed W.P.No.10842 of 2016. By order dated 01.04.2016, the said writ petition was disposed of directing the petitioner to avail alternative remedy of appeal and in turn the 4th respondent to dispose of either stay application or appeal itself on merits and in accordance with law, within a period of four weeks from the date of filing of appeal. Pursuant thereto, the petitioner filed an appeal before the 4th respondent, which was disposed of vide order dated 07.06.2016, operative portion of which reads as under;

“I am of the opinion that the Revenue Divisional Officer, Ananthapuramu, passed orders vide Rc.No.D1CS/3365/15 dated 14.03.2016 without verifying the actual facts and without conducting of personal enquiry. As such, in the instant case, it is evident that due procedure was not followed. Hence it is appropriate to remand the matter to the Revenue Divisional Officer, Ananthapuram/appointing authority to re-examine the case and pass appropriate orders afresh in the matter following the due procedure.”

The grievance of the petitioner is that even though the 4th respondent remanded the matter for re-examination, no steps have been taken by the 2nd respondent and his authorization has not been

restored.

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

The facts are not in dispute. In pursuance of the direction of this Court in W.P.No.10842 of 2016, dated 01.04.2016, the 4th respondent disposed of the appeal by remanding the matter to the 2nd respondent to re-examine the case by giving reasonable opportunity to the petitioner and pass appropriate orders afresh after following due procedure, but no orders have been passed till date. Considering the facts and circumstances of the case and in view of the direction of 4th respondent, the earlier order dated 14.03.2016 passed by the 2nd respondent canceling the authorization of the petitioner no longer subsists. In those circumstances, the petitioner is entitled to continue as authorized dealer till the orders afresh passed by the 2nd respondent in pursuance of the direction of the 4th respondent dated 07.06.2016.

Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

24th June, 2016

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