

THE HONOURABLE MR JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19587 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 26.09.2015 without conducting re-enquiry as directed by the 4th respondent vide proceedings dated 24.03.2016, as illegal and arbitrary.

2. It is the case of the petitioner that he was appointed as fair price shop dealer in Shop No.34, Pulaguttapalli Village, Guntakal Mandal, Ananthapur District. Alleging certain irregularities, the 2nd respondent passed the impugned order dated 26.09.2015 canceling the fair price shop authorization of the petitioner. Challenging the same, the petitioner filed an appeal along with the stay application before the 4th respondent. Since no orders have been passed in the said appeal and also in the stay application, the petitioner filed W.P.No.5427 of 2016. By order dated 19.02.2016, the said writ petition was disposed of, directing the 4th respondent to dispose of either stay application or appeal itself filed by the petitioner against the order dated 26.09.2015 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of the said order. Pursuant thereto, the 4th respondent disposed of the appeal on 24.03.2016 and opined as under;

“I am of the opinion that the main contention of the appellant is that the Revenue Divisional Officer, Ananthapur has passed orders without giving an opportunity of hearing in person. Hence, the orders passed by the Revenue Divisional Officer, Ananthapur is one sided. It is appropriate to remand the matter to the Revenue Divisional Officer, Ananthapur/appointing authority to re-examine the case giving reasonable opportunity to the appellant 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 to re-examine the matter, no steps have been taken by the 2nd respondent and his authorization has not been restored.

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

4. The facts are not in dispute. In pursuance of the direction of this Court in W.P.No.5427 of 2016, dated 19.02.2016, 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 26.09.2015 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 24.03.2016.

5. 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

20th June, 2016
sj