

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.18115 of 2016

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ORDER:

The proceedings dated 03.05.2016 issued by the 3rd respondent-Revenue Divisional Officer, Adoni, is challenged before this Court on various grounds. It is unnecessary for this court to enter into the grounds on which reasons set out in the above order. Suffice it to say that petitioner was issued with a show cause notice dated 03.05.2016 alleging certain irregularities in his conducting the fair price shop authorisation. Petitioner submitted a detailed explanation. After considering the detailed explanation of the petitioner, the impugned order dated 03.05.2016 is made. The operative portion of the order is as under:

“The F.P. Shop dealer Sri A. Mohana Krishna has contravened clauses of ASPDS (Control) Order 2008, and a case has also booked against him as mentioned above. The Authorisation F.P. Shop dealership held by Sri A. Mohana Krishna, F.P.Shop dealer, Shop No25 of Machapuram village of Nandavaram Mandal with immediate effect.

The Tahsildar, Nandavaram is directed to make alternate arrangements for the uninterrupted distribution of ECs to the Card Holders.”

From the above quoted portion it is not discernable whether the order has been made as a final order or as an order pending enquiry. Though the learned Government Pleader submits that it is only a mistake, as it is not possible for this Court to ascertain whether it is made deliberately or by mistake the order as it stands cannot be sustained. It is also well settled that in **Mohinder Singh Gill and Another Vs. The Chief Election Commissioner, New Delhi and others** ^[1] the Supreme Court categorically stated that the impugned order has to be judged on its own merits and the same cannot be supplemented or supplanted by way of additional affidavits or by way of explanations. In those circumstances, the order being not

discernable either as a suspension order or suspension pending enquiry order or a cancellation order, the same is required to be set aside. Accordingly, the same is set aside. However, giving liberty to the respondent authorities to pass an order afresh. As the order is being challenged on various other grounds including the violations of principles of natural justice, petitioner shall be given opportunity of hearing in the facts of the present case.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J.

Date:09.06.2016

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[\[1\]](#) AIR 1978 Supreme Court 851 (1)