

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 40853 of 2015

DATED 18TH FEBRUARY, 2016

BETWEEN

Smt. Pathakota Anitha

...Petitioner

And

The State of Andhra Pradesh,
Rep.by this Principal Secretary,
Civil Supplies Department, Secretariat,
Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 40853 of 2015

ORDER:

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

The petitioner challenges the order dated 28.11.2015 on the ground of violation of principles of natural justice particularly with regard to the allegation that the second respondent passed the order by taking into consideration the report submitted by the Tahsildar on 28.11.2015, a copy of which was not furnished to him. A perusal of the impugned order itself reveals that the Tahsildar has conducted an enquiry on 19.11.2015 and recorded the statements of the villagers and thereafter submitted a report

on 28.11.2015 and on the same day, the impugned order came to be passed.

The finding of the second respondent is based on the report submitted by the Tahsildar and such report was not made available to the petitioner, though a show cause notice was issued to the petitioner on certain allegations. In that view of the matter, non furnishing of the report of the Tahsildar to the petitioner, which was the basis for passing the impugned order is in violation of the settled principles of natural justice as the petitioner would have been denied the opportunity of rebutting the findings reported by the Tahsildar.

In the light of the above, the impugned order dated 28.11.2015 is set aside giving liberty to the respondents to make available to the petitioner all the material including the report of the Tahsildar, dated 28.11.2016 on which reliance is placed to support the allegations levelled against the petitioner and after considering the explanation submitted by the petitioner, pass appropriate final orders afresh by duly complying with the principles of natural justice and giving opportunity of being heard to the petitioner.

The Writ Petition is allowed to the extent indicated above. It is needless to mention that in view of setting aside the impugned order dated 28.11.2015, the authorization of the petitioner to distribute the essential commodities subsists and as long as the authorization of the petitioner is in force, the dealer/petitioner is entitled to distribute the essential commodities.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 18TH February, 2016.
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