

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 42048 of 2015

ORDER:

The present Writ Petition is filed questioning the order dated 7.12.2015 of the 2nd respondent-R.D.O canceling the Fair Price Shop dealership of the petitioner.

As the point involved in the matter is short, at the request of the learned counsel for the writ petitioner and the Government Pleader for Civil Supplies, the main writ petition itself is taken up for hearing and disposed of.

It is the case of the petitioner that initially when the authorisation of the petitioner was suspended by the 2nd respondent-R.D.O, the petitioner filed a W.P.No.15816 of 2015 before this Court and this Court allowed the said writ petition setting aside the suspension order dated 7.12.2015. Thereafter, a show cause notice dated 21.11.2015 was issued to the petitioner levelling certain charges. An order dated 07.12.2015, was passed canceling the authorisation without considering the explanation submitted by the petitioner. Hence, the present writ petition.

A perusal of the impugned order reveals that there is no proper application of mind on the part of the 2nd respondent-R.D.O in considering the explanation submitted by the petitioner. In view of the same, the learned Government Pleader submits that the impugned order may be set aside by giving liberty to the respondents to pass orders afresh after considering the explanation submitted by the petitioner in proper perspective and giving opportunity of hearing to the petitioner.

Accordingly the writ petition is allowed setting aside the order dated 07.12.2015 giving liberty to the second respondent-R.D.O to pass orders afresh after considering the explanation submitted by

As the impugned order is set aside, the petitioner is entitled to be continued to distribute the essential commodities as the license granted in his favour is deemed to be subsisting. No order as to costs.

JUSTICE CHALLA KODANDA RAM

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Date:18.02.2016.