

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17420 OF 2016

ORDER :

The order dated 07.05.2016 passed by the 2nd respondent Revenue Divisional Officer, Kurnool, whereby the authorization of the petitioner Fair Price Shop No. 101 of Krishnagiri Village and Mandal, Kurnool District, was cancelled, is under challenge, mainly on the ground of violation of the principles of natural justice and for lack of reasons in arriving at such a conclusion.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) would submit that against the order of cancellation, an Appeal lies to the Joint Collector, where the petitioner can urge all his contentions.

Reasons are the live-links every decision-making authority has to assign. They will indicate the lines on which its mind has been applied and they also disclose as to what material weighed with it to come to the conclusion to which it has.

A bare perusal of the order impugned in this Writ Petition, *prima facie*, shows that it merely contains extracts of charges and explanation from one proceedings or the other. The 2nd respondent decision-making authority has lost sight of the fact that a duty is cast upon him to inquire into the allegations levelled against the petitioner after going through the explanation submitted by him and after giving an opportunity of hearing and then arrive at a just conclusion. The main grievance of the petitioner is that he was directed to appear in person on 03.05.2016 at 11.00 A.M. before the 2nd respondent, but no inquiry was conducted on that day and no opportunity of personal hearing was afforded. Failure of the 2nd respondent to stick to the normal procedure while passing an order of cancellation of authorization of the fair price shop, which would result in deprivation of the fundamental right guaranteed to the petitioner under Article 19(1) (g) of our Constitution, is not at all appreciable. Therefore, the contention of the learned Government Pleader that there is a remedy of

appeal available to the petitioner and that he may be relegated to the said remedy is also not acceptable.

Hence, the order dated 07.05.2016 is set aside, however, giving liberty to the 2nd respondent to conduct inquiry, in accordance with the principles enshrined by this Court in plethora of judgments, and pass orders considered appropriate, afresh.

With this, the Writ Petition stands allowed. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

06th June 2016

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