

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.6369 of 2016

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Between:

St. Kavitha

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Secretary, Consumer Affairs, Food & Civil Supplies (CS.I) Department, A.P. Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents and with their consent the writ petition itself is taken up for disposal at the admission stage.

The order dated 20.02.2016 cancelling the authorization of the petitioner fair price shop dealership of Shop No.5 situated at Puttur Mandal Chittoor District on the ground that her husband was employed and she was not maintaining the shop regularly, is challenged in this writ petition, on the ground that though explanation has been submitted by her the same was not considered, and on the contrary, it was recorded in the impugned order that no explanation was submitted by the petitioner.

Learned counsel for the petitioner submitted that since the petitioner had received notice from the 4th respondent-Tahsildar, Puttur, she was under the bona fide impression that the explanation has to be submitted to the Tahsildar. The learned counsel further submitted that the petitioner submitted explanation to the Tahsildar on 10.02.2016 through speed post and the same was delivered to him on 11.02.2016, and the said fact was confirmed by the postal department through their web proceedings.

On the other hand, learned Government pleader for Civil Supplies submits on instructions submits that the Revenue Divisional Officer had not received any explanation from the petitioner. He also submits that the petitioner ought to have submitted explanation to the 3rd respondent-Revenue Divisional Officer instead of the 4th respondent, as it is the Revenue Divisional Officer, who had issued notice, and as such, the impugned order cannot be found fault with.

Having considered the rival submissions, though the 3rd respondent-Revenue Divisional Officer cannot be found fault with in coming to a conclusion that the petitioner had not submitted any explanation before him, considering the nature of the allegations and the fact that the petitioner had in fact made a detailed explanation to the 4th respondent through speed post, no prejudice as such would be caused to the respondents if the order is set aside with a direction to the respondents to consider the explanation submitted by the petitioner before the Tahsildar, and pass appropriate orders.

Accordingly, the writ petition is disposed of directing the 3rd respondent to call for the explanation dated 10.02.2016 submitted by the petitioner from the Tahsildar, consider the same and pass appropriate orders in accordance with law after giving an opportunity of hearing to the petitioner. However, it is made clear that the 3rd respondent-Revenue Divisional Officer shall decide that the matter afresh, and after taking into consideration of the explanation submitted by the petitioner and after giving him an opportunity of hearing pass appropriate orders in accordance with law.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

29th February, 2016
J s.