

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32321 of 2014

ORDER:

Petitioner challenges proceedings Rc.B.2805/2014, dated 10-10-2014, wherein authorisation of petitioner was cancelled by 3rd respondent.

On 29-10-2014, this Court, after considering the material available on record, passed following order:-

“Learned Assistant Government Pleader for Civil Supplies takes notice for the respondents and seeks time for filing counter-affidavit.

Post on 15-12-2014.

A perusal of the impugned proceeding in Rc.B.2805/2014, dated 10-10-2014, issued by respondent No.3, shows that the only ground on which the petitioner's fair price shop authorization was cancelled was that he has distributed 148 kgs of PDS rice and 43 liters of Kerosene oil to those card holders, who did not hold Aadhar cards.

In my *prima facie* opinion, even assuming that the said allegation was true, the imposition of penalty of termination of dealership is wholly disproportionate to the alleged violation and at best, the respondents ought to have warned the petitioner not to repeat such violation in future. Moreover, I find from the impugned order that respondent No.2 has not held any enquiry after receipt of the petitioner's explanation and straight away issued the impugned proceeding terminating his dealership without affording him an opportunity of substantiating his stand taken in the said explanation. Hence, the impugned proceeding in Rc.B.2805/2014, dated 10-10-2014, issued by respondent No.3, is suspended, pending further orders.”

Today, at the time of hearing, the Assistant Government Pleader places on record instructions dated 02-12-2014 received by the office

of Government Pleader for Civil Supplies. Last paragraph thereof reads as follows:-

“On completion of the enquiry, in supercession of the orders issued in this office Rc.B.2805/2014 dated 10-10-2014, the authorization of Sri Bandi Subbarayudu, F.P.Shop Dealer has been restored, as the imposition of penalty of the termination of dealership is considered to be disproportionate. Since the authorisation of the petitioner is restored and as he is continuing as F.P.shop dealer, the writ petition merits no consideration and it may be dismissed in limini.”

Having regard to above development, no further order is necessary in the writ petition.

The writ petition is, accordingly, disposed of. No order as to costs.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

S. V. BHATT, J

Dt: 25-04-2016
Prv

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Prv