

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.20877 of 2016

ORDER

This writ petition is filed seeking to declare the action of the 4th respondent in issuing proceedings dated 29.3.2016 cancelling the authorization of the petitioner for fair price shop No.28, Bhupasamudram Village, Gummagatta Mandal, Ananapur District, as arbitrary and illegal.

The petitioner was selected and appointed as fair price dealer, on permanent basis, on 4.6.1985, for shop No.28, Bhupasamudram Village, Gummagatta Mandal, Ananapur District and his authorization was renewed from time to time. While so, on 14.08.2015, the 4th respondent issued show cause notice-cum-suspension order on the ground of committing certain irregularities in distribution of essential commodities based on the report submitted by the 5th respondent. Thereafter, *vide* proceedings dated 29.3.2016, the 4th respondent cancelled the authorization of the petitioner on the following grounds.

“1.The F.P.shop dealer failed to distribute the ECs to the cardholders properly, specially the K.Oil has not been distributed properly not only during the month of 5/2015, but also during proceeding month.

2.The F.P.shop dealer has filed to maintain true & correct accounts of his F.P.Shop as contemplated under Cl.22(viii) of APSPDS (Control) Order, 2008. The F.P.Shop dealer has caused much inconvenience to the card holders.”

Aggrieved by the same, the petitioner filed an appeal before the 3rd respondent-Joint Collector along with stay application. The stay application was rejected on 27.4.2016. Hence, the writ petition.

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

A perusal of the order of rejection of stay dated 27.04.2016 itself indicates that the 3rd respondent did not mention any reasons for such refusal. He simply noted that there are no substantive grounds.

In view of the same and considering the fact that there is non-application of mind in rejecting the stay application of the petitioner, the 3rd respondent-Joint Collector is directed to hear the appeal and pass appropriate orders on merits. Till the disposal of the appeal, the impugned order dated 29.3.2016 shall stand suspended and the petitioner be allowed to continue as fair price shop dealer.

Accordingly, the writ petition is disposed of. No costs.

In view of the disposal of the main writ petition,

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

JUSTICE CHALLA KODANDA RAM

29th June, 2016

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