

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.128 OF 2016

ORDER:

The writ petition is filed challenging the order dated 18.04.2015, passed by the 2nd respondent-R.D.O cancelling the petitioner's authorisation of fair price shop No.25 of Chinnapodella Village, Peapully Mandal, Kurnool District.

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.

Initially, when the authorisation of the petitioner was suspended by the 2nd respondent-R.D.O, the petitioner filed an appeal before the Joint Collector and as no orders were passed by the Joint Collector, the petitioner had filed a Writ Petition No.23393 of 2014 before this Court, and this Court, by an order dated 14.08.2014, disposed of the same directing the 1st respondent-Joint Collector to dispose of the appeal filed by the petitioner within a period of eight weeks from the date of receipt of copy of the order. Thereafter, a show cause notice dated 23.09.2014 was issued to the petitioner levelling certain charges. Finally, an order dated 18.04.2015, was passed cancelling the authorisation of the petitioner basing on the report of the Tahsildar, without conducting any enquiry. Hence, the present writ petition.

As can be seen from the above, there is a total non-compliance of the order dated 14.08.2014 of this Court passed in W.P.No.23393 of 2014. The learned counsel for the petitioner submits that while making the impugned order, the individual Revenue Divisional Officer had overreached the orders passed by this Court and it is not for the first time this particular officer has made this kind of orders.

In the present case, I am not inclined to deal with the same considering the fair submission made by the learned Government Pleader for the Revenue that the impugned order may be set aside by remanding back the matter to the authorities to deal with the same on merits. However, in view of the apprehension expressed and also on account of the conduct of the incumbent officer, I am inclined to direct the District Collector to designate

some other incumbent officer to deal with the cases and conduct an enquiry and pass appropriate orders.

Accordingly, the writ petition is allowed setting aside the order dated 18.04.2015, passed by the 2nd respondent-R.D.O with a direction to the District Collector, Kurnool to entrust the enquiry in relation to this case to some other Revenue Divisional Officer to pass appropriate orders on merits after considering the material available on record and submissions that may be made on behalf of the petitioner, within a period of four weeks from today.

As great reliance is being placed by the 2nd respondent on the enquiry reports alleged to have been submitted by the Tahsildar, it is needless to mention that the 2nd respondent-Enquiry Officer is duty bound to furnish the copies of the enquiry reports to the petitioner. As the impugned order is set aside, the petitioner is entitled to be continued to distribute the essential commodities as the license granted in her favour is deemed to be subsisting. No order as to costs.

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

CHALLA KODANDA RAM, J

Dated:18.02.2016

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