

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10990 OF 2017

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order passed by the Revenue Divisional Officer, Narasaraopet, Guntur District *vide* proceedings Rc.No.4802/2015-B, dated 15.11.2016, cancelling the fair price shop authorization of the petitioner.

2. Heard Sri D.Krishna Murthy, learned counsel appearing for the petitioner, and the learned Government Pleader for Civil Supplies (A.P.) appearing for the respondents.

3. According to the petitioner, he was appointed as a fair price shop dealer on 06.02.2008 for shop No.19 of Andugula Kothapalem Village of Vinukonda Mandal, Guntur District and that he had been distributing essential commodities without any complaint either from the cardholders or from any authorities. Followed by a show cause notice and submission of explanation by the petitioner herein, the Revenue Divisional Officer, Narasaraopet/respondent No.3 passed an order of cancellation of the fair price authorization of the petitioner and the said order is the subject matter of the present writ petition.

4. It is submitted by the learned counsel for the petitioner that the order of cancellation, in the facts and circumstances of the case, is highly unwarranted and violative of Article 14 of the Constitution of India and opposed to the very spirit and object of the Andhra Pradesh State Public Distribution System Control

Order, 2008. According to the learned counsel, the impugned order is also in total violation of the principles of natural justice. It is also submitted that respondent No.3, without supplying the copy of the enquiry report stated to have been submitted by the Deputy Tahsildar on 14.11.2016, passed the impugned order of cancellation by placing reliance on the said report.

5. On the contrary, it is submitted by the learned Government Pleader that having regard to the gravity of the charges levelled against the petitioner, respondent No.3 is perfectly justified in cancelling the fair price shop authorization of the petitioner. It is further submitted that only after issuance of the show cause notice and after affording complete opportunity to the petitioner herein, respondent No.3 passed the order under challenge, as such, the complaint of the petitioner as regards the violation of the principles of natural justice is untenable.

6. There is absolutely no dispute with regard to the fact that in response to the notice of enquiry issued by respondent No.3, the petitioner herein attended for the enquiry. It is also required to be noted that respondent No.3 called for a report from the Deputy Tahsildar (Civil Supplies) and in pursuance of the same, the Deputy Tahsildar submitted a report on 14.11.2016. The specific case of the petitioner in this writ petition is that without supplying him a copy of the said report, dated 14.11.2016, which was submitted after the date of enquiry i.e., 23.09.2016, respondent No.3 passed the impugned order and the same is unsustainable. It is also to be noted that as against the order of cancellation passed by respondent No.3, the petitioner herein filed a statutory appeal

before the Joint Collector, Guntur/respondent No.2 herein on 07.01.2017. Along with the said appeal, he also filed an application for interim relief and according to the learned counsel for the petitioner, no orders have been passed by respondent No.2 either on the appeal or in the interlocutory application.

7. Having heard the learned counsel for the petitioner and the learned Government Pleader and taking into consideration the totality of the circumstances, this Court deems it appropriate to direct respondent No.2 to pass appropriate orders on the appeal filed by the petitioner on 07.01.2017 against the order of cancellation, dated 15.11.2016, within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that if such exercise is not completed within the time stipulated above, the petitioner herein shall be re-inducted as fair price shop dealer.

8. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

28.03.2017
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.10990 OF 2017

Date: 28.03.2017

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