

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25555 of 2017

DATED : 03.08.2017

Between :

V.Vithal Rao S/o.Govinda Rao,
Aged about 67 yrs, Occu : Stamp Vendor,
R/o.H.No.26-3-5, N.R.P. Road,
Gandhi Nagar, Vijayawada, Krishna District.
.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Stamps and Registration Department,
Velagapudi, Guntur District & others.
... Respondents



This court made the following :

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ORDER :

Petitioner was appointed as stamp vendor and holds licence No.06-27-006/1983. He was also granted Franking Machine on 30.07.2009. Action was initiated against the petitioner, based on a complaint received by the competent authority, he was placed under suspension vide order dated 05.02.2014. Petitioner challenged the said suspension before this Court in W.P.No.19607 of 2014. This Court directed completion of enquiry within a period of three months and if enquiry is not completed, further direction was issued to review the suspension. Accordingly, suspension was reviewed and petitioner continued to work as stamp vendor. In the present writ petition petitioner challenges the final order passed by the District Registrar on 12.04.2017 cancelling the original licence and the renewal granted.

2. Heard learned counsel for the petitioner and learned Assistant Government pleader.

3. The first and foremost submission of learned counsel for the petitioner against the order impugned is that the order is bereft of reasons. In pursuant to the notice issued to the petitioner, he submitted detailed explanation and there is no discussion on the explanation submitted by the petitioner. Except for narrating all the events that took place, no reasons are assigned in support of the decision.

4. Having regard to this objection of the learned counsel for the petitioner, learned Assistant Government Pleader, on instructions, fairly submits that the order does not contain reasons in support of the decision.

5. A bare perusal of the order shows that it does not contain reasons as to why the explanation offered by the petitioner is not acceptable. It is not in dispute that the order impugned has got serious civil and evil consequences. Petitioner is deprived of working as stamp vendor to carry on his livelihood and therefore no such order can be made without assigning reasons in support of the decision, more so, if it has got severe penal consequences. Thus, the order impugned is liable to be set aside and is accordingly, set aside.

6. Accordingly, the Writ Petition is allowed and the matter is remitted to the District Registrar, Vijayawada (3rd respondent) to the stage of consideration of explanation submitted by the petitioner dated 22.02.2017 and pass orders afresh. The 3rd respondent shall consider the explanation submitted by the petitioner deal with the objections filed and pass orders assigning due reasons in support of his decision. There shall be no order as to costs.

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

3rd August, 2017
Rds

P.NAVEEN RAO,J