

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.1155 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.17297 of 2017 dated 07.08.2017. The 1st respondent herein, a temporary fair price shop dealer, filed the writ petition questioning the order passed by the District Collector, Anantapur dated 10.04.2017 setting aside the order passed by the Joint Collector, Anantapur dated 14.07.2014 who, in turn, set aside the order passed by the Revenue Divisional Officer dated 21.02.2014.

The appellant herein (6th respondent in the writ petition) was granted a fair shop dealer licence in the year 2006. Pursuant to an enquiry, pending which his dealership licence was suspended, the Revenue Divisional Officer imposed fine on the appellant herein, and restored his fair price shop licence. Aggrieved thereby, the 1st respondent-writ petitioner (who was granted a temporary licence during the period of suspension of the appellant) preferred an appeal to the Joint Collector who, by his order dated 14.07.2014, allowed the appeal and set side the order passed by the Revenue Divisional Officer. In the revision preferred thereagainst by the appellant herein, the District Collector passed the following order:

“Having heard both parties, taking all facts and circumstances of the case into consideration and upon application of my mind the revision petition is allowed setting aside the orders of the Joint Collector dated 14.07.2014 and the dealership of Sri T.Dalappa is restored since the main charge of diversion of FFW rice is not proved as the report of the Tahsildar that the balance FFW rice has been accounted for and that there is no misuse of any rice. Case closed accordingly. No costs.”

Except to state that he had taken into consideration all the facts and circumstances of the case, and had applied his mind, the District Collector has not assigned any reasons as to why he considered it necessary to set aside the order passed by the Joint Collector. The Learned Single Judge has, in our opinion, rightly directed the revisional authority to pass a reasoned order afresh, as the order impugned in the writ petition is bereft of reasons.

In an intra-court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal. Suffice it if the 3rd respondent herein i.e the District Collector, Anantapur is directed to pass a reasoned order afresh, and in accordance with law, with utmost expedition and, in any event, not later than two months from today, uninfluenced by any observations made either in the order under appeal or in the order now passed by us.

With the aforesaid modifications, the Writ Appeal is disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

21st August, 2017

Note: Issue C.C in two days.

JSU

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