

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.15380 OF 2009

ORDER:

While the allegations are no doubt grave and serious, of not accounting to 800 litres of kerosene and diverting it elsewhere, the fact remains that, in her revisional order dated 24.03.2009, the District Collector, Khammam has, on the one hand, recorded that neither the revision petitioner nor his Counsel had attended the hearing, and she had issued orders on the basis of the material on record; and, on the other, she has recorded that arguments were put forth by the petitioner in the revision petition. It does not stand to reason that if both the revision petitioner, and his Counsel, were in fact absent, their arguments can be said to have been heard and dealt with. The revisional authority dismissed the revision, and upheld the order of the Appellate Authority ie., the Joint Commissioner, Khammam in his proceedings dated 01.04.2005, who, in turn, had affirmed the order of the Revenue Divisional Officer dated 10.04.2003 cancelling the authorisation for the petitioner's fair price shop.

As the order of the revisional authority suffers from inconsistencies, and the petitioner's revision has not been examined on its merits. I consider it appropriate to set aside the order of the revisional authority and direct him/her to give the petitioner an opportunity of being heard, and thereafter pass an order afresh and in accordance with law. It is made clear that, till fresh orders are passed by the revisional authority, the order of the appellate authority i.e., the Joint Collector, upholding the order of the Revenue Divisional Officer cancelling the petitioner's fair price shop licence, shall continue to

remain in force; and the petitioner is not entitled to operate the fair price shop till orders are passed afresh by the revisional authority.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 24.08.2017.
MRKR

