

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO.17563 OF 2010**

**ORDER:**

The relief, sought for in this Writ Petition, is for a writ of certiorari to be issued to quash the order passed by the third respondent dated 10.11.2007, as confirmed in appeal by the proceedings of the second respondent dated 09.01.2008, which was again confirmed in revision by the proceedings of the first respondent dated 29.06.2010.

On the petitioner, a fair price shop dealer, having been found to have committed irregularities, a charge memo was issued to her which contained six charges. The first charge was that a quantity of 54.51 quintals of rice was allotted to the fair price shop, but, at the time of inspection, only 53 quintals of rice in 106 bags was available on the ground; and the remaining quantity of 1.51 quintals of rice had been diverted to the black-market. The second charge was that, even though there was a closing balance of 1.50 quintals of mid-day meals rice by the end of January, 2007, the petitioner did not report the fact to the Mandal Revenue Officer, as required under the rules, with the intention of diverting it to the black-market. The third charge was that the fair price shop dealer had shifted the business premises unauthorizedly, without obtaining prior permission of the licensing authority. The fourth charge was that the petitioner had not distributed 100 kgs of rice, and 15 litres of kerosene oil, to cyclone victims, and had kept the kerosene oil outside the fair price shop i.e., in a Tobacco barn unauthorizedly and, when weighed, the kerosene oil was found to be 5 litres in excess. The fifth charge was that the petitioner had

utilised weighing stones approved, by the Weights and Measures Department, upto the year 2004. The sixth charge was that the petitioner had not exhibited the stock and sign boards in the shop for the convenience of cardholders as required by the rules.

The Revenue Divisional Officer (the primary authority) held the petitioner guilty of all the six charges. The appeal preferred thereagainst was dismissed by a reasoned order passed by the Joint Collector, Prakasam District, Ongole dated 09.01.2008. The petitioner's revision was also dismissed by the Collector and District Magistrate, Ongole by order dated 29.06.2010.

Smt. A.Harija, learned counsel for the petitioner, would submit that the findings recorded by the primary authority are erroneous; and the petitioner's explanation to the charges have not been properly considered. This contention, of the Learned Counsel, overlooks the scope of interference in certiorari proceedings, which is extremely limited. It is only if the order under challenge suffers from an error apparent on the face of the record would interference be justified. In certiorari proceedings, this Court would not sit in an appeal over findings of fact recorded by the authorities concerned, nor would it substitute its views for that of the authority who passed the order. It is only if the findings recorded are held to be perverse, or as based on no evidence, would interference be called for. If the conclusions drawn by the authorities concerned, on the material on record, is a possible view, this Court would not, in the exercise of its certiorari jurisdiction, interfere even if it were be satisfied that another possible view should be preferred.

It is not even contended before this Court that the findings, recorded by the authorities concerned, are either perverse or are based on no evidence. Even an error, in the exercise of jurisdiction by the competent authority, would not justify interference in certiorari proceedings under Article 226 of the Constitution of India. We see no reason, therefore, to interfere with the orders impugned in the Writ Petition. The petitioner has also not had the benefit of an interim order for the past more than a decade, on their fair price shop license having been cancelled ten years earlier in the year 2007. In any view of the matter, I see no reason to interfere with the orders impugned in the writ petition.

The Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

**(RAMESH RANGANATHAN, ACJ)**

30<sup>th</sup> November 2017  
RRB