

THE HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17297 of 2017

ORDER.

Heard the learned counsel for the petitioner, learned Government Pleader for respondents 1 to 5 and counsel for the 6th respondent.

Petitioner states that he is a permanent resident of Kallur village, Lepakshi Mandal, Anantapur District and he is a temporary dealer in the Fair Price Shop of Kallur Village. He was appointed on 23-8-2006 when the authorization of 6th respondent was suspended. However, the authorization of 6th respondent was restored by 4th respondent by proceedings dated 21-2-2014. Challenging the same, the petitioner filed an appeal before the 3rd respondent and the appeal was allowed on 14-7-2014 by setting aside the orders of the 3rd respondent and the 6th respondent filed revision before the second respondent and the said revision was allowed, by setting aside the orders of the Joint Collector dated 14-7-2014, by the 2nd respondent. The same is challenged in the present petition.

Learned counsel for the petitioner submits that the second respondent ought not to have allowed the revision without assigning any reasons. This court carefully perused the impugned order which was a typed order recording the respective contentions of the parties and final portion of the order is in the writing of the revisional authority by striking the words "Judgment reserved". Since the

typed portion of the order merely narrates the respective contentions, there cannot be any dispute with regard to the same.

But the portion allowing revision reads as follows:

“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 14-7-2014 and the dealership of Sri T.Dalappa is restored since the main charge of the direction 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 mis-use of any rice. Case closed accordingly. No costs.”

A reading of the above portion of the order shows that rice was accounted for and there is no mis-use of rice.

There were four charges against the petitioner and the order of the Joint Collector shows that he came to the conclusion that the FD shop Dealer committed serious irregularities. In fact, he directed the Revenue Divisional Officer to recover the difference between the market rate and public distribution rate of the commodity diverted and when a revision is filed against such order of the Joint Collector, the second respondent would have given proper reasons for setting aside the said order and in the absence of proper reasons in the above portion of the order, this court is constrained to set aside the impugned order passed in the revision dated 10-4-2017 and remand the matter to the second respondent for passing fresh order by duly giving reasons within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is, accordingly, allowed. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE A. RAMALINGESWARA RAO

Dated 7-8-2017.

Dvs



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