

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.10999 of 2010

ORDER:

The petitioner, a cardholder, has questioned the order passed by the Joint Collector dated 17.04.2010 setting aside the order passed by the Revenue Divisional Officer dated 15.11.2009 cancelling the fair price shop authorisation granted in favour of the 4th respondent.

The main charges, among several others, framed against the 4th respondent was that PDS rice and kerosene were supplied to bogus cardholders; he had appointed a benami for distribution of essential commodities without intimation to the authorities; and he had, thereby, violated the conditions stipulated in the Circular dated 24.04.2008. On both these counts, the Revenue Divisional Officer held the 4th respondent guilty.

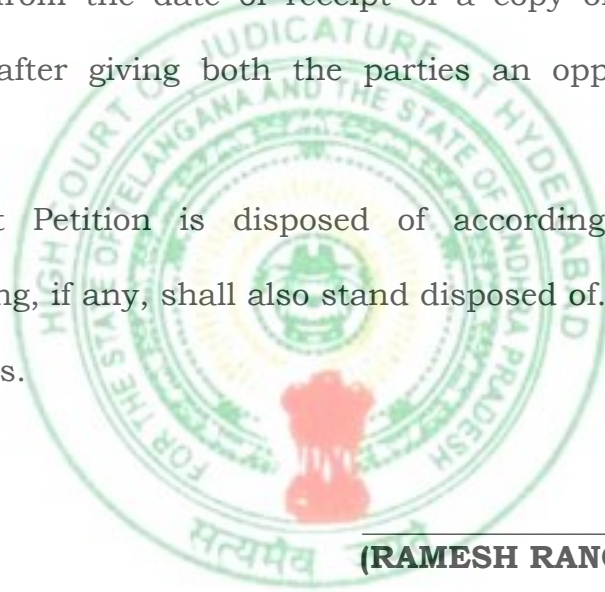
In appeal, the Joint Collector absolved the 4th respondent of the charge relating to supply of PDS rice and kerosene to bogus cardholders, holding that these cards were not found with the 4th respondent and he could not held responsible for the bogus cards in circulation, as these were all matters for the Tahsildar to act upon.

The Joint Collector, however, has not specifically dealt with the charge relating to the retail shop being operated by a benami of the 4th respondent, and not by the 4th respondent himself. As this charge has been held proved by the Revenue Divisional Officer, and as it is grave and serious in nature, the Joint Collector ought to have considered the validity of this charge before deciding to set aside the order passed by the Revenue Divisional Officer.

As the 4th respondent must have been carrying on operations at the Fair price shop, for the past seven years during the pendency of the writ petition, and as setting aside the order of the Joint Collector would

result in revival of the order passed by the Revenue Divisional Officer resulting in the 4th respondent having to discontinue his operations even before a fresh order is passed, which would be wholly inequitable, I consider it appropriate to pass the following order. The order of the Joint Collector is set aside to the extent indicated hereinabove. He shall pass orders afresh with respect to the charge levelled against the 4th respondent, of his running the fair price shop through a benami. The 4th respondent shall be entitled to continue to operate the retail shop, till orders are passed afresh and in accordance with law. The Joint Collector shall with utmost expedition, and in any event not later than three months from the date of receipt of a copy of this order, pass orders afresh after giving both the parties an opportunity of being heard.

The Writ Petition is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

10th November, 2017
JSU

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Date: 10.11.2017

JSU