THE HON'BLE SRI JUSTICE A.V. SESHA SAI

WRIT PETITION No.7397 OF 2017

ORDER:

This writ petition filed, under Article 226 of the Constitution of India, challenges an order of suspension of fair price shop dealership of the petitioner, issued by the Revenue Divisional Officer, Sangareddy, vide Proc.No.B2/2808/2016, dated 30.05.2016.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.

3. Petitioner herein is the fair price shop dealer of shop No.24 of Nagilgidda Village, Manoor Mandal, Sangareddy District. The Revenue Divisional Officer, Sangareddy, issued a show-cause notice bearing No.B2/2808/2016, dated 17.03.2016, asking the petitioner to show-cause as to why the authorization of the petitioner should not be cancelled, while pointing out certain alleged irregularities. Responding to the said show-cause notice, petitioner herein submitted an explanation on 29.03.2016. Eventually, the Revenue Divisional Officer, Sangareddy, by way of the order under challenge, suspended the authorization of the petitioner herein, on the ground that the petitioner herein did not submit his explanation, within the stipulated time of seven days.

4. According to the learned counsel for the petitioner, petitioner herein preferred an appeal before the Appellate Authority/Joint Collector – 2nd respondent herein, in the month of June, 2016, so also, an application seeking stay of the operation of the order of suspension passed by the Revenue Divisional Officer. According to the learned counsel for the petitioner, no orders have been passed on the said appeal.

5. A perusal of the material available before the Court discloses clearly that after receipt of the show-cause notice, dated 17.03.2016, petitioner herein submitted an explanation on 29.03.2016. In the said explanation, he categorically stated that he received the show-cause notice on 24.03.2016. But, unfortunately, the same missed the attention of the Revenue Divisional Officer, while passing the order of suspension. In the considered opinion of this Court, the Revenue Divisional Officer, ought to have considered the date of receipt of the show-cause notice by the petitioner herein before passing the impugned order. Therefore, though the petitioner herein filed an appeal, having regard to the above aspects, this Court deems it appropriate to remand the matter to the Revenue Divisional Officer, for fresh consideration by setting aside the impugned order of suspension.

6. For the aforesaid reasons, this writ petition is allowed, setting aside the order of suspension passed by the Revenue Divisional Officer, vide Proc.No.B2/2802/2016, dated 30.05.2016 and the matter is remanded to the Revenue Divisional Officer, for fresh consideration, in accordance with law, after considering the explanation submitted by the petitioner and after giving opportunity of hearing to the petitioner herein. In view of this order, the appeal, said to have been filed by the petitioner herein, before the Joint Collector – 2nd respondent, needs no consideration by the Appellate Authority.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

03.03.2017
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