

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1477 of 2018

ORDER:

Heard learned counsel for petitioner and learned Government Pleader appearing for respondents.

The petitioner was appointed as a dealer of Fair Price Shop No.48 of H. Nidamanur Village, Naguluppalapadu Mandal, Prakasam District. While so, basing on the complaints lodged by certain persons, the Enforcement Deputy Tahsildar, Addanki, inspected the Fair Price Shop of the petitioner and submitted a report to the third respondent – Revenue Divisional Officer, Ongole, Prakasam District. Thereupon, a show cause notice was issued to the petitioner, who in turn submitted his explanation. However, an order was passed by the third respondent on 10.01.2015 cancelling the fair price shop authorization of the petitioner. Challenging the same, the petitioner preferred an appeal to the second respondent – Collector (CS), Prakasam at Ongole, who by order, dated 24.12.2017 remanded the matter to the third respondent to consider afresh. When stock was not released in spite of the said order of the second respondent, the present Writ Petition is filed.

The learned counsel for the petitioner submits that the appellate authority-second respondent accepted the case of the petitioner with regard to improper enquiry by the third

respondent and accordingly, remanded the matter to the third respondent to conduct enquiry afresh. In the circumstances, the order passed by the third respondent dated 10.01.2015 does not survive and fair price shop authorization of the petitioner was deemed to have been restored. In spite of the same, respondents 3 and 4 are not releasing the stock to the petitioner.

It is clear from the order dated 24.12.2017 of the second respondent that the matter was remanded to the third respondent to conduct enquiry afresh. In view of the same, the order of the third respondent dated 10.01.2015 does not survive further. It is needless to observe that so long as the fair price shop authorization of the petitioner is in force, the petitioner is entitled to the release of the stock for distribution of the same to the cardholders.

In those circumstances, the Writ Petition is disposed of directing respondents 3 and 4 to release the stock so long as the fair price shop authorization of the petitioner is subsisting and in force.

Miscellaneous Petitions, if any pending shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

22nd JANUARY, 2018.

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