

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3886 of 2018

ORDER:

This writ petition is filed challenging the proceedings, dated 27.12.2017, issued by respondent No.3-Revenue Divisional Officer, Kalayanadurgam, suspending the authorization of the petitioner in respect of Fair Price Shop No.1216010, situated at Budivarthi Village, Beluguppa Mandal, Anantapuramu District.

The case of the petitioner is that on 14.12.2017, respondent No.4-Tahsildar along with the staff inspected his fair price shop, conducted panchanama and seized the stock without verifying the records. Thereafter, a show cause notice, dated 20.12.2017, was issued to him to explain within seven days as to why his fair price shop authorisation should not be cancelled. The petitioner submitted his explanation stating that E-pass Machine was not functioning during the course of inspection and on that account, the stock of 160 litres kerosene for the month of May 2017 was remained with him. Without considering the same, except stating that the explanation offered by the petitioner is not acceptable and tenable, respondent No.3 issued the impugned proceedings.

It may be noted that it is not a case of shortage, but the stock remained with the dealer. Further, there is also no

complaint from any quarter against the petitioner with respect to non-distribution of stock. In view of the same, this Court is of the view that the impugned proceedings are liable to be set aside. It may also be noted that the petitioner submitted explanation to the show cause notice, dated 20.12.2017.

In those circumstances, the writ petition is allowed and the impugned proceedings are set aside. Respondent No.3 shall complete the enquiry already initiated against the petitioner and pass orders in accordance with law, by taking into consideration the explanation of the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:08.02.2018
kdl

CHALLA KODANDA RAM, J

