

HONOURABLE SRI JUSTICE CHALLA KODANDA RAMWRIT PETITION No.7140 of 2018**ORDER:**

The grievance of the petitioner is that he was issued a ration card on 05.09.2006. When she approached for receiving the scheduled commodities, it was informed that her white ration card has been cancelled. As the petitioner did not receive any communication, she approached the Tahsildar seeking information under the Right to Information Act as regards the cancellation of white ration card. In response thereto, the Tahsildar vide Endorsement Memo dt. 16.08.2017 had informed that the TDP Youth Cell had made a complaint under Call Centre No.110 that certain government employees and retired persons are in possession of white ration cards and taking into consideration the same, the ration card of the petitioner was cancelled.

It is the contention of the learned counsel for the petitioner that no notice was issued to the petitioner before canceling the card and even as per the information provided under the Right to Information Act, there is no reason as to why the petitioner was not eligible to possess white ration card. The reasons informed in response to the Right Information Act requisition are only to the extent that there was a complaint from TDP Youth Cell and as such action was taken.

Learned Assistant Government Pleader for Revenue submits that in terms of Clause 8 (iii) of Andhra Pradesh Public Distribution System Control Order, 2001, the Tahsildar is competent to take action *suo motu*. Even as per the material placed before this Court by the petitioner, an enquiry was conducted by the Additional Revenue Inspector, Chandragiri, which has revealed that husband of the petitioner/D. Murali Mohan was working in Police Department as Home Guard and drawing Rs.12,000/- per month, annually Rs.1,44,000/- and as such, the petitioner was found ineligible to hold the white ration card in terms of the revised guidelines, which prescribe Rs.60,000/- per annum as the annual limit for availing the benefit of white ration card. In those circumstances, the learned Assistant Government Pleader prays for dismissal of the writ petition.

Having regard to the respective submissions, at the outset, it may be noted that the fact that the petitioner was not put on notice before cancellation of ration card and no explanation was called for from her, is not in dispute. The argument of the learned Assistant Government Pleader is that no notice is required to be issued in terms of Clause 8 (iii) of the Control Order, as the same is not provided for, cannot be accepted, as, it is now well settled that an order, which would have effect of civil consequences, is required to precede with a show cause notice calling for explanation and thereafter, an enquiry is required to be conducted. Even if a particular rule does not provide for opportunity of hearing, the same has to be read into

whenever a particular rule is likely to effect the civil rights of a citizen. Rule 8 (iii) of the Control Order contemplates an enquiry is required to be conducted either to add, amend or vary, suspend or cancel the card issued in favour of an individual. In the present case, the cancellation of white ration card issued to the petitioner is not preceded by such an enquiry. In those circumstances, the petitioner does not require to avail the remedy of appeal provided to the Revenue Divisional Officer as the Order of cancellation of white ration card itself is in violation of the principles of natural justice, which justifies interference of this Court.

In those circumstances, this Writ Petition is allowed with a direction to respondent No.3 to restore the white ration card in favour of the petitioner forthwith. However, setting aside of cancellation of ration card shall not be construed as restraining Respondent No.3 from taking appropriate action in accordance with law if the respondents are of the opinion that the petitioner is not entitled to hold white ration card.

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

CHALLA KODANDA RAM,J

Dt: 12-03-2018

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