

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

Writ Petition No.7852 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and the learned Government Pleader.

An order passed by the Revenue Divisional Officer, Gudur/3rd respondent herein vide proceedings Rc.No.C/63/2018, dated 14.02.2018 cancelling the fair price shop authorization of the petitioner under clause 5 (5) of the Andhra Pradesh State Public Distribution System (Control) Order, 2008, is under challenge in the present Writ Petition.

The principal contention advanced in the present Writ Petition is that though the 3rd respondent herein issued a notice and called for the explanation and despite the factum of submitting the explanation to the said show cause notice, without affording any opportunity of hearing to the petitioner herein, the impugned order came to be passed by the 3rd respondent, canceling the authorization. A perusal of the impugned Order, dated 14.02.2018, reveals that a show cause notice was issued by the 3rd respondent/Revenue Divisional Officer, calling for the explanation from the petitioner herein alleging certain irregularities. Denying the said irregularities, the petitioner herein submitted her explanation. In this context, it would be appropriate to refer to the judgment of this Court in the case of B.MANJULA v. DISTRICT COLLECTOR, CIVIL SUPPLIER¹ wherein this Court held that an 'enquiry' pre-

¹ 2015 (4) ALT 572

supposes an opportunity of personal hearing to the dealer to explain his/her case based on the records. In the instant case, the same is given go bye. Therefore, on this ground alone, the present Writ Petition is liable to be allowed.

In the said circumstances, the Writ Petition is allowed, setting aside the order dated 14.02.2018 passed by the Revenue Divisional Officer, Gudur/3rd respondent. However, it is open for the respondent-authorities to pass orders afresh by following due process of law. It is needless to observe that *status quo* ante prior to the order impugned shall stand restored. The authorities shall complete the enquiry, as directed above, within a period of two weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand disposed of.

Date: 19.03.2018

A.V.Sesha Sai, J

Note: Issue order copy by tomorrow
(B/o.smr)