

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.12709 OF 2006

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records and to quash the impugned proceedings of the first respondent passed in R.C.No.2129/2003-K dated 18.01.2004 wherein the first respondent passed the order in appeal confirming the cancellation order passed by the second respondent, cancelling the kerosene hacker's license of the petitioner.

2. The facts of the case, in brief, are as follows:

The petitioner was granted kerosene hacker's license No.68/1981-82 under Andhra Pradesh Petroleum Products Order, 1980, to supply kerosene oil to the cardholders of Ward Nos.23 and 24 of Mangalagiri Town, Mangalagiri, Guntur District. Basing on the complaint received alleging certain irregularities against the petitioner, the Revenue Divisional Officer, Guntur, directed the Divisional Civil Supplies Enforcement, Deputy Tahasildar, to enquire into the matter. In pursuance to the same, the Deputy Tahasildar enquired into the matter and submitted an enquiry report on 06.04.2000 confirming the allegations made against the petitioner. Basing on the said enquiry report, the Mandal Revenue Officer, Mangalagiri, suspended the license held by the petitioner vide proceedings dated 10.04.2000 and a show cause notice was issued framing five charges against the petitioner, on 12.04.2000. The petitioner filed W.P.No.2590 of 2000 against the suspension order dated 10.04.2000 before this Court. The said writ petition was disposed on 29.06.2000 directing the Mandal Revenue officer,

Mangalagiri, to conduct proper enquiry into the allegations made by the petitioner as well as the allegations raised against him. The Mandal Revenue Officer, Mangalagiri, after due enquiry, cancelled the hacker's licence of the petitioner vide proceedings in R.C.No.3/2000-A dated 27.07.2000. Against the cancellation, the petitioner filed a regular appeal on 03.10.2000 before the Revenue Divisional Officer, Guntur. The petitioner filed W.P.No.22706 of 2000 to quash the proceedings of the Revenue Divisional Officer, Guntur, passed in R.C.No.3/2000-A dated 27.07.2000. This Court disposed of the said writ petition on 20.04.2001 directing the Revenue Divisional Officer, Guntur, to dispose of the appeal filed by the petitioner within a period of two months from the date of receipt of a copy of the order. Accordingly, the Revenue Divisional Officer, Guntur, enquired into the matter and passed order on 22.05.2003 in D.Dis.No.409/2003-G confirming the order of the Mandal Revenue Officer, Mangalagiri. The petitioner filed Contempt Case for non-compliance of the order dated 22.05.2003 and also contending that the Revenue Divisional Officer, Guntur, is the same person who worked as Mandal Revenue Officer, Mangalagiri, who cancelled the license. In those circumstances, this Court in W.P.No.1253 of 2003 on 24.11.2003 directed the District Collector, Guntur, to nominate any other authority equivalent to the appellate authority to dispose of the appeal filed by the petitioner under A.P. Petroleum Products Order, 1980. Accordingly, the Joint Collector, Guntur, appointed the Revenue Divisional Officer, Tenali, as enquiry officer to enquire into the matter. On 24.11.2003, the Revenue Divisional Officer, Tenali, issued a notice to the petitioner to appear before the Revenue

Divisional Officer, Tenali, on 23.01.2003. Petitioner attended the enquiry. The Revenue Divisional Officer, Tenali, enquired into the matter and the petitioner's submission was recorded and after careful examination of the enquiry report, the charges framed and the explanation given by the petitioner and after going through the statement of the petitioner, during the enquiry on 23.12.2003, passed the impugned order in R.C.No.2129/2003-K dated 18.01.2004, against which the present writ petition is filed.

3. Heard both the counsel and perused the record.

4. After hearing the submissions of the counsel, on due consideration of the material on record, in considered view of this Court, the impugned order is a detailed, charge-wise, speaking order, passed after due enquiry giving full opportunity to the petitioner, as per the order of this Court. Hence, submission of the counsel for the petitioner that the impugned order is passed without considering the explanation of the petitioner, he was not furnished copies of reports of the Divisional CC Enforcement, Deputy Tahasildar, impugned order was mechanically and not supported by adequate reasons are not tenable.

5. The learned Assistant Government Pleader would contend that the first respondent passed the order after due enquiry and considering the explanation of the petitioner. Hence, there is no illegality or irregularity in the impugned order.

6. The impugned order is a detailed, charge-wise speaking order, passed after giving sufficient opportunity of hearing to the petitioner as well. Hence, this Court found that there is no

illegality and arbitrariness in the impugned order passed by the first respondent.

7. Therefore, the Writ Petition is dismissed.

8. Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

25th January, 2018
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