

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 40523 of 2018

Date : 12.11.2018

Between:

Nampalli Venugopal S/o N Bhumanna Aged about 51 years
Occ Fair Price Shop Dealer Shop No 4 Dasnapur village
Mavala Mandal Adilabad District

Petitioner

And

The State of Telangana
Rep by its Principal Secretary Consumer Affairs Food and
Civil Supplies T S Secretariat Buildings Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Civil Supplies and with their consent writ petition is taken up for disposal at the admission stage.

2. Petitioner is a fair price shop dealer of shop bearing No. FP021600033884, Dasnapur village, Mavala mandal, Adilabad district. Show cause notice dated 1.11.2018 was served on the petitioner alleging that he is involving in political activities of a political party, participating/performing canvassing in elections in favour of a political party candidate. Petitioner was directed to file his explanation within 3 days from the date of receipt of show cause notice. It appears show cause notice was received by petitioner on 1.11.2018; petitioner filed his explanation on 5.11.2018 and the same was received by the competent authority and acknowledged. However, alleging that the said explanation was filed after expiry of time granted to him, explanation was not considered holding it as time barred and orders are passed. There is no discussion in the order for canceling the fair price shop dealership and about the explanation offered by the petitioner. On 1.11.2018 show cause notice was issued asking the petitioner to submit explanation within three days, which would expire on 4.11.2018 and petitioner filed his explanation on 5.11.2018, therefore, it cannot be said that there is inordinate delay in submitting the explanation. Further, by the time orders were passed, explanation of the petitioner was already received by the competent authority. The competent authority could not have ignored the explanation and declared it as time barred and pass orders without taking note of the explanation offered by the petitioner.

Cancellation of the fair price shop authorization would have civil and evil consequences and Court deems it fit to set aside the order dated 5.11.2018 canceling the dealership authorization and remit the matter to Revenue Divisional Officer-second respondent for consideration afresh, duly taking note of the explanation submitted by the petitioner on 5.11.2018 and to pass appropriate orders as warranted by law assigning reasons in support of its decision, expeditiously, preferably within a period of four weeks from the date of receipt of copy of this order.

3. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 12-11-2018
TVK

P NAVEEN RAO,J



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