

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 40595 of 2018

Date : 12.11.2018

Between:

M Adeppa S/o M Narayana
aged about 40 years Occ Fair Price Shop Dealer of Shop No 7
R/o Door No 442 Marthadu Village Garladinne Mandal
Ananthapuramu District

Petitioner

And

The State of Andhra Pradesh
Rep by its Secretary Consumer Affairs Food and Civil
Supplies CS I Department Secretariat Buildings Velagapudi
Amaravathi Guntur District & 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 the writ petition is taken up for disposal at the admission stage.

2. Petitioner is fair price shop dealer of shop No.7, Marthadu village, Garladinne mandal, Anantapuram district. He was served with show cause notice dated 15.12.2016. Two charges were leveled against him. In the first charge, it is alleged that there is difference in the stock violating Clause 17 (b) (c) of A.P. State Public Distribution System Control Order, 2008 (for short Control Order, 2008) and allegation in the second charge is that dealer has not maintained stock register and not obtained release order, thereby violated Clause 22 (viii) of Control Order, 2008. By order dated 27.10.2018 the fair price shop dealership authorization is cancelled.

3. Reading of the impugned order would show that though the order extracted explanation offered by the petitioner dated 6.4.2017, there is no discussion on the validity of the explanation offered by the petitioner. It appears on 11.10.2018 case was posted for hearing on which date Advocate representing the petitioner appeared and made submissions but there is also no discussion in the order on the submissions made by counsel for petitioner. Without assigning any reasons in support of decision impugned order is passed. The Revenue Divisional Officer/3rd respondent in exercise of quasi judicial powers vested in him cancelled the fair price shop dealership authorization, which would result in depriving the petitioner the opportunity to run the fair price shop and no such order can be made without assigning reasons

in support of the decision. The minimum that is expected from the quasi judicial authority is to assign reasons in support of the decision. The decision of original authority is amenable to appeal. No effective appeal can be made unless the original order contains reasons in support of the decision. Thus, the order is set aside on this ground and matter is remitted to competent authority. According to learned Government Pleader, now the Joint Collector/second respondent is competent authority to deal with these matters. Thus, Joint Collector is directed to consider the explanation dated 6.4.2017 offered by petitioner, afford opportunity of hearing to the petitioner by fixing a date in advance and pass appropriate orders assigning due reasons in support of his decision expeditiously, preferably within a period of four weeks from the date of receipt of copy of this order. If no orders are passed within the time stipulated above, petitioner shall be authorized to run the subject fair price shop.

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

DATE: 12-11-2018
TVK

P NAVEEN RAO,J

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