

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13275 OF 2009

ORDER :

Petitioner challenges the order dated 23.06.2009, under which the Revenue Divisional Officer, Vikarabad suspended her authorisation as fair price shop dealer.

The petitioner was the fair price shop dealer of Sidduloor Village. She was alleged to have diverted kerosene oil of 60 litres to black-market and that she had not maintained stock register and distribution register of kerosene and thus, contravened the provisions of the Essential Commodities Act. She was therefore, issued the notice dated 23.06.2009, requiring to show cause as to why her authorisation as a fair price shop dealer should not be cancelled and directing to submit explanation for the charges alleged against her. The petitioner is stated to have submitted her explanation on 25.06.2009, however, without reference to the said explanation, the Revenue Divisional Officer, Vikarabad Division passed the impugned order dated 23.06.2019 suspending the authorisation of the petitioner.

While admitting the Writ Petition on 06.07.2009, this Court suspended the impugned order. However, no counter-affidavit is filed as on date.

Heard learned counsel for the petitioner as well as learned Government Pleader for Civil Supplies.

A perusal of the order impugned discloses that the explanation submitted by the petitioner was not considered in any manner. As a matter of fact, there is not even a reference to the explanation submitted by her. Further, it is to be noted, in the

show cause notice, three days' time was granted to the petitioner for submitting the explanation and accordingly, she submitted her explanation on 25.06.2019, whereas the impugned order came to be passed on 23.06.2019 itself which discloses, as asserted by the learned counsel for the petitioner, the respondent authorities had pre-determined to cancel the licence of the petitioner and thus, issuance of show cause notice and calling for explanation was only a make-believe exercise. In those circumstances, the impugned order is liable to be set aside and consequently, the Writ Petition deserves to be allowed.

The order dated 23.06.2019 is accordingly set aside and the Writ Petition is allowed. No costs.

The miscellaneous Applications if any shall stand closed.

CHALLA KODANDA RAM, J

28th October 2019

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