APHC010469922026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 9th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 25630 OF 2026

Between:

Gali Pushpa, W/o.Suresh, aged 43 years, Occ. F.P. Shop Dealer, Shop.No.0983021 of Darga Street, Gudur Town and Mandal, SPS Nellore District.

...Petitioner

AND

1. The State of A P, Rep. by its Secretary, Food, Civil Supplies and Consumer Affairs Department, Secretariat Buildings, Velagapudi, Guntur District - 522238.

2. The Collector Civil Supplies, Nellore, SPSR Nellore District - 524001.

3. The Revenue Divisional Officer, Gudur, SPSR Nellore District - 524101.

4. The Tahsildar, Gudur, SPSR Nellore District - 524101

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the order in Rc.A5/75/2026, dt.28.02.2026, issued by the Revenue Divisional Officer, Gudur, the 3rd respondent herein, suspending the authorization of the petitioner F.P. Shop No.0983021 of Darga Street, Gudur Town and Mandal, SPSR Nellore

District and continuing the same under prolonged suspension as illegal, arbitrary, unjust and contrary to the 2nd proviso to clause 8(4) of A.P. State Targeted Public Distribution System (Control) Order, 2018 and also violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and set aside the same and consequently direct the respondents to release the essential commodities to the petitioner F.P. Shop

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents to supply the essential commodities to the petitioner F.P. Shop No.0939025 of Govindapalli village, Kota Mandal, SPSR Nellore District by suspending the order of the 2' respondent in in Rc.D.219/2020, dt.13.08.2020, pending disposal of the above Writ Petition

Counsel for the Petitioner: V SUDHAKAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following order:

THE HONOURABLE SRI JUSTICE K.SREENIVASA REDDY

WRIT PETITION NO.25630 of 2026

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *"….to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the order in Rc.A5/75/2026, dt.28.02.2026, issued by the Revenue Divisional Officer, Gudur, the 3rd respondent herein, suspending the authorization of the petitioner F.P. Shop No.0983021 of Darga Street, Gudur Town and Mandal, SPSR Nellore District and continuing the same under prolonged suspension as illegal, arbitrary, unjust and contrary to the 2nd proviso to clause 8(4) of A.P. State Targeted Public Distribution System (Control) Order, 2018 and also violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and set aside the same and consequently direct the respondents to release the essential commodities to the petitioner F.P. Shop ……."*

2. The petitioner is a Fair Price Shop Dealer of Shop No.0983021, Darga Street, Gudur. She has been distrubuting the essential commodities for the lst 19 years without any complaint, and her authorization is valid up to 31.03.2027.

3. It is stated that on 04.02.2026, the authorities inspected her shop and noticed some stock variations. The petitioner explained that the shortage was due to damage of rice, jowar and sugar caused by heavy rains in December, 2025. Despite her explanation, the stock was seized and proceedings under Section 6-A of the Essential Commodities Act were initiated.

4. A show-cause notice dated 20.02.2026 was issued, to which the petitioner submitted her explanation on 28.02.2026. However, without properly considering the explanation, 3rd respondent suspended her authorization on 28.02.2026 under Clause 8(4) of the A.P. State Targeted PDS (Control) Order, 2018 (for short, 'the Control Order, 2018').

5. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies appearing for the respondents.

6. Learned counsel for the petitioner submits that, under the second proviso to Clause 8(4) of the Control Order, 2018, the disciplinary proceedings are to be disposed of preferably within three months, but in the case on hand, even after lapse of more than six months, no enquiry has been concluded and the suspension continues. He submits that 3rd respondent did not complete the enquiry as contemplated under the Control Order, 2018 and such prolonged suspension is contrary to the said provision and the law laid down in *A. Neelima v. Joint Collector, Kurnool*, 1996 (1) APLJ 266, and *M/s. Sukhwinder Pal Bipan Kumar v. State of Punjab*, AIR 1982 SC 65. Hence, he prays to set aside the impugned order.

7. Learned counsel for the petitioner further submits that 3rd respondent, while passing the impugned order, did not take into consideration the explanation offered by the petitioner.

8. On the other hand, learned Assistant Government Pleader for Civil Supplies would submit that disciplinary proceedings could not be completed in view of administrative contingencies. He would further submit that the enquiry will be completed as expeditiously as possible.

9. As per Clause 8(4)(ii) of the Control Order, 2018, the appointing authority shall dispose of the disciplinary proceedings against the fair price shop dealer as early as possible, preferably within a period of three (03) months from the date of filing. Admittedly, in the case on hand, the period stipulated under the said Clause was completed in the month of May, 2026 itself. Therefore, by no stretch of imagination, the suspension order passed against the petitioner can be continued beyond the said period. Further, the impugned order cannot be allowed to remain in force for a prolonged period.

10. In view of the same, the Writ petition is allowed and the impugned order is set aside. However, this Order will not preclude the authorities from proceeding against the petitioner in accordance with law. There shall be no order as to costs.

As a sequel, interlocutory applications pending if any, shall stand closed.

K.SREENIVASA REDDY, J

Date: 09.09.2026.
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THE HONOURABLE SRI JUSTICE K.SREENIVASA REDDY

WRIT PETITION NO.

DATE: .2026

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