

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 28755 of 2015

ORDER:

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

With the consent of both the learned Counsel appearing on either side, this writ petition is being disposed of at the admission stage.

The petitioner is the Fair Price Shop Dealer of Shop No. 710 of B.N.Reddy Nagar, Hayatnagar Mandal, Ranga Reddy District.

The authorization of FP shop No. 331 has also been tagged on to the petitioner's FP shop temporarily by proceedings dated 8.5.2015. It appears that on a report given by the Assistant Supply Officer on 23.8.2015 about illegal selling of PDS blue kerosene, the Sub Inspector of Police, Vanasthalipuram Police Station along with his staff raided and found one V.Laxminarasimhulu and two other persons selling kerosene and they were taken into custody and a criminal case in Cr.No.720/2015 was registered against them. On their arrest, it was confessed that the authorization of the V.Laxminarasimhlu in respect of FP Shop No. 331 was suspended earlier and the said shop was temporarily tagged on to the FP shop No.710 of the petitioner. On the ground that there is diversion of stock, third respondent issued show cause notice dated 26.8.2015 and on the same day he suspended the authorization of the petitioner pending further orders. Challenging the same, the present Writ Petition is filed.

It is the case of the petitioner that neither the third respondent nor the fourth respondent inspected his fair price shop and found any variation in the stock. However, the fourth respondent based on

the police panchanama, submitted a report to the third respondent. It is his further case that neither he was involved in the criminal case nor he diverted the PDS kerosene into black market.

The learned Government Pleader for Civil Supplies admitted the above facts.

In view of the above facts, it is clear that the respondents have not conducted inspection of the fair price shop of the petitioner nor any variation in the stock was noticed.

In the circumstances, this Court is of the opinion that the impugned orders are contrary to law and are accordingly liable to be set aside.

Accordingly, the writ petition is allowed. However, this order will not prevent the third respondent-Revenue Divisional Officer, Saroornagar, Ranga Reddy District from taking appropriate action against the petitioner/dealer, if he is found to contravene the provisions of Andhra Pradesh State Public Distribution System (Control) Order, 2008, in accordance with law.

Miscellaneous Petitions pending consideration if any in the Writ Petition shall stand closed. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 7th September, 2015.
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