

IN THE HIGH COURT OF JUDICATURE; AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 23128 of 2015

BETWEEN

Botchu Rattaiah

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 27.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
May be allowed to see the judgments?
YES/NO
2. Whether the copies of judgments may be
Marked to Law Reporters/Journals.
YES/NO

3. Whether Their Ladyship/Lordship wish to
See the fair copy of the Judgment ?
YES/NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 23128 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned
Government Pleader for the respondents.

The petitioner was appointed as Fair Price Shop Dealer for shop No. 10 of Mogilicherla village, Lingasamudram mandal, Prakasam District. It appears that the Deputy Tahsildar, Lingasamudram inspected the fair price shop of the petitioner on 15.10.2014 and submitted a report in respect of variation noticed and thereafter 6-A proceedings were initiated and they are pending. Pursuant to the same, the third respondent issued a show cause notice on 20.05.2015 levelling one charge against the petitioner with regard to shortage of 58 packets of sugar and the petitioner also submitted his explanation on 25.5.2015. After considering the explanation and without conducting any enquiry, the dealership of the petitioner was cancelled by order dated 17.6.2016 by the third respondent. Challenging the same, the present Writ Petition is filed.

The impugned order of cancellation of authorization deals with one charge, which relates to shortage of sugar and due to such shortage, it was alleged that the petitioner diverted the stock to black market. The petitioner submitted his explanation

on 25.5.2015 and he also appeared before the authorities on 8.6.2015. Except repeating the charge as finding, no separate finding was recorded with regard to the allegation that the petitioner diverted 58 packets of sugar to black market. In the circumstances, this Court is of the view that no proper enquiry was conducted and in view thereof, the order dated 17.6.2015 passed by the third respondent is set aside and the matter is remanded to the third respondent to conduct a proper enquiry afresh and record finding/s with due reasons. The said process shall be completed within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 27th JULY, 2015.
Msnr_x