

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

WRIT PETITION No. 22849 of 2015

BETWEEN

N. Lakshmi Devi

....Petitioner

And

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

.....Respondents.

DATE OF JUDGMENT PRONOUNCED: 05.08.2015.

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. 22849 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. 16 of B.C. Colony, Khajipet village & Mandal, YSR District. The authorization of the petitioner was renewed from time to time and is valid up to 31.3.2016. While so, the fair price shop of the petitioner was inspected by respondents 5 and 6 on 13.09.2014 and based on the report submitted by them, a show cause notice was issued by the third respondent on 23.6.2015. The petitioner submitted her explanation on 30.6.2015 and the same was received by the third respondent on 2.7.2015. Being not satisfied with the explanation, the third respondent suspended the authorization of the petitioner by order dated 13.7.2015, pending enquiry. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner submits that the two charges levelled against the petitioner relate to variation in the stock and non maintenance of stock and sales registers. So far as the variation in the stock of rice is concerned, it was indicated as excess of 61 Kgs whereas in respect of sugar, it was indicated lesser quantity of 70 packets. The petitioner submitted her explanation stating that those variations are

marginal and the matter is yet to be enquired into.

In view of the recorded information, which is available with the third respondent, it is for the third respondent to conduct an enquiry in respect of the charges levelled against the petitioner. However, it is to be seen that the charges so levelled do not warrant suspension of the authorization of the petitioner at this stage.

In the circumstances, the impugned order dated 13.7.2015 passed by the third respondent to the extent of suspension of the authorization of the petitioner is set aside. The third respondent is directed to conduct an enquiry after giving due opportunity to the petitioner and pass final order thereon within a period of sixty days from the date of receipt of a copy of this order.

The Writ Petition is disposed of. 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 5th August, 2015.
Msnr_x