

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

* * * *

WRIT PETITION No.20693 OF 2015

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Between:

B.Padma Kumari.

.. Petitioner

And

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 30-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.20693 of 2015

ORDER:

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

The petitioner was appointed as a fair price shop dealer of shop No.27, Gudisilopalli, Korlakunta Village, Galiveedu Mandal, YSR District. The shop was inspected on 22.06.2014 in the absence of the petitioner when she went to attend marriage. The fourth respondent submitted a report on 26.06.2014, based on which the third respondent issued a show cause notice to the petitioner on 28.06.2014. The petitioner submitted her explanation on 01.07.2014. After receiving explanation, the impugned order of cancellation of authorisation was passed on 05.07.2014.

This Court, by order dated 13.08.2014, suspended the order dated 05.07.2014 in view of the judgments of this Court in **D.Varalakshmi v. Joint Collector, Civil Supplies, Kurnool**^[1] and **P.Nagaraju v. Revenue Dvisional Officer, Dharmavaram, Anantapur**^[2]

WVMP.No.3226 of 2014 is filed by government (respondent Nos.1 to 4) and WVMP.No.2525 of 2015 is filed by the fifth respondent (implead petitioner) seeking to vacate the interim orders passed by this Court, on 13.08.2014, in WPMP.No.25942 of 2014 in W.P.No.20693 of 2014.

Counter affidavit, filed by the government, does not disclose any new facts, apart from facts stated by the petitioner, except stating that the factum of not opening the fair price shop on 21.06.2014, two drums of kerosene oil lying outside the fair price

shop without distributing it to the cardholders, and itself clearly showing that the writ petitioner violated the conditions of the orders of appointment of F.P.shop dealer.

There is no averment in the counter affidavit with regard to conduct of an enquiry in respect of the allegations levelled against the petitioner. The allegations levelled against the petitioner are as follows:

“Charge No.1:-That the F.P.Shop dealer was not present in the Village and F.P.Shop was locked at the time of inspection.

Charge No.2:- Two barrels of kerosene oil drums approximately 400 liters was available in front of the shop.

Charge No.3:-That the F.P.Shop dealer is distributing 1 Kg. less quantity of rice and distributing essential commodities on higher rates i.e. ½ Kg. sugar @ Rs.7.50 and 8.00 instead of 6.75 and 1Kg. Atta @ Rs.18.00 instead of 16.50.

Charge No.4:- That the F.P.Shop dealer is distributing K.Oil one time in 4 months.

Charge No.5:-That the F.P.Shop dealer has not exhibited the stock-cum-price board at the F.P.Shop premises.”

A show cause notice was received by the petitioner on 28.06.2014 and she submitted her explanation on 01.07.2014. The impugned order was passed on 05.07.2014. When the petitioner denied the allegations levelled against her, the third respondent ought to have conducted an enquiry. There is no evidence on record to show that the third respondent had conducted an enquiry between 01.07.2014 and 05.07.2014. In the absence of conduct of enquiry into the allegations levelled against the petitioner, the order, of the third respondent dated 05.07.2014, cannot be sustained.

Accordingly, the impugned order of cancellation of authorization, dated 05.07.2014, is set aside, and the matter is remanded to the third respondent to conduct an enquiry into the

allegations levelled against the petitioner within a period of three months from the date of receipt of a copy of this order. In view of the interim suspension granted by this Court on 13.08.2014, the petitioner shall be continued as a dealer till the completion of enquiry.

The Writ Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:30.07.2015
usd

[\[1\]](#) 2012(4) ALD 444

[\[2\]](#) 2012(3) ALD 503