

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

* * * *

WRIT PETITION No.33981 of 2015

Between:

Ravipati Audi Narayana.

....Petitioner

and

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

....Respondents

JUDGMENT PRONOUNCED ON : 14.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.33981 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.22, Samathapudi Village, Darsi Mandal in Prakasam District. On 12.05.2015 the Enforcement Deputy Tahsildar, Darsi, Prakasam District, inspected the shop and found some variations. A panchanama was conducted on 12.05.2015 and a 6A report was submitted on 15.05.2015. Based on the said report, a show cause notice was issued on 28.05.2015 framing one charge against the petitioner. The petitioner submitted a detailed explanation on 10.07.2015 and after considering the said explanation and examining the panch witnesses, the authorisation of the petitioner was cancelled on 09.09.2015. Challenging the same, the present Writ Petition is filed.

A perusal of the impugned order dated 09.09.2015 shows that the variations mentioned are within the permissible limits, except in respect of the kerosene oil, which is 80 litres. In respect of the kerosene oil also the petitioner submitted that proper measurement was not taken and the shortage was arrived at by the help of a stick as a dripper. The third respondent also noted in his order that the cardholders, who were enquired, gave mixed response against the fair price shop dealer. The other allegations are technical in nature and before this Court the copy of the Legal Metrology certificate and the evidence of payment of challans seeking renewal of authorisation are filed. In view of the same, this Court is satisfied that the allegations coupled with the evidence in the case do not warrant cancellation of authorisation.

In that view of the matter, the impugned order, dated 09.09.2015, is set aside and the matter is remanded to the third respondent for imposing lesser punishment other than cancellation of authorisation.

The Writ Petition is, accordingly, allowed to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

14.10.2015

Note: Issue C.C in three days.

B/o.

vs