

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 9502 of 2015

DATED 1st July, 2015

BETWEEN

Korlepati Radhika

....Petitioner

And

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

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 9502 of 2015.

ORDER:

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

The petitioner was appointed as a Fair Price Shop Dealer for shop No. 18 of Potlapadu village, Kurichedu Mandal, Prakasam District on permanent basis. She is taking help of one Arudra Reddy for distribution of the commodities. While so, on 16.10.2014 the fourth respondent along with his staff inspected the shop of the petitioner when the petitioner was not in the shop. The fourth respondent verified the registers and available stocks and did not notice any variations. However, on the ground that the petitioner was running the fair price shop through a benami, a show cause notice was issued on

27.10.2014 levelling three allegations. The petitioner submitted her explanation and after considering the same, impugned order dated 16.03.2015 was passed cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

I have carefully perused the impugned order dated 16.03.2015 which discloses that the second respondent gave finding only in respect of Charge No.1. In respect of the said charge, there is no evidence to show that the said Arudra Reddy is the benami of the petitioner. The second respondent should have got inquired the same through independent evidence and come to a conclusion in respect of the said charge. Further, in respect of Charges 2 and 3, no findings have been recorded. In the circumstances, this Court is of the opinion that the impugned order passed by the second respondent on 16.3.2015 is not in accordance with law and the same is liable to be set aside.

Accordingly the impugned order dated 16.3.2015 is set aside and the second respondent is directed to conduct an enquiry in respect of the allegations made against the petitioner in the impugned order dt. 16.3.2015 and complete the same within a period of two months from the date of receipt of a copy of this order by duly observing the principles of natural justice. Interim arrangement made pursuant to the cancellation of authorization of the petitioner shall continue till the disposal of the matter as directed supra.

The Writ Petition is allowed to the extent indicated above.

As a sequel thereto, the miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 1st July, 2015.

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