

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY,
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE **VILAS V. AFZULPURKAR**

W.P. No. 871 of 2015

Between:

C. Venkata Lakshumma, W/o. C. Venkataramana, Fair Price Shop Dealer,
Shop No.06, R/o. Chintalavandlapalli, Pendlimarri Village, Harijanawada,
Kadapa District.

Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Consumer Affairs, Food & Civil Supplies Department, Secretariat,
Hyderabad.
2. Joint Collector, Civil Supplies Wing, Kadapa, Kadapa District.
3. The Revenue Divisional Officer, Civil Supplies Wing, Kadapa,
Kadapa District.
4. The Tahsildar, Civil Supplies Wing, Kadapa District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri. Rachna Waddepalli, presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd Respondent in not receiving the petitioner's appeal filed against the orders of the Respondent No.3, dt. 19-05-2012 in Ref.No.C/1205/2011, cancelling the petitioner's fair price shop authorization as illegal, arbitrary, unconstitutional in violation of principles of natural justice, violation of Articles 14, 19 (1) (g) and 21 of the Constitution of India and to consequently direct the Respondent No.2 to receive and dispose off the petitioner's appeal expeditiously;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri. Rachna Waddepalli, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in Writ Petition;

You viz;

1. The Principal Secretary, Consumer Affairs, Food & Civil Supplies Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2. Joint Collector, Civil Supplies Wing, Kadapa, Kadapa District.
3. The Revenue Divisional Officer, Civil Supplies Wing, Kadapa, Kadapa District.
4. The Tahsildar, Civil Supplies Wing, Kadapa District.

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this writ petition should not be admitted.

The Court made the following Order:

“In this writ petition, the question requires to be adjudicated is as to whether the authorities under the Andhra Pradesh State Public Distribution System (Control) Order, 2008, dealing with the distribution of essential commodities, have power of condonation of delay while entertaining the appeal or revision against the orders of cancellation/suspension of authorization of Fair Price Shop dealers.

Learned counsel appearing for the petitioner placed reliance upon an order of the Division Bench in W.A.Nos.970 and 1034 of 2014, dated 26-09-2014 in support of his contention that under Section 29(2) of the Limitation Act, 1963, Section 5 of the Limitation Act will be applicable.

Learned Government Pleader for Civil Supplies (Telangana) however points out the amendment made to Clause 21 under G.O.Ms.No.11, dated 25-01-2012 which provides only 30 days time for preferring a revision.

As issue, therefore, requires to be considered and decided, issue notice before admission.

Let the learned Government Pleader for Telangana and Andhra

Pradesh to file a brief counter on this aspect, so that this matter can be adjudicated.

Post after four weeks.”

Sd/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Consumer Affairs, Food & Civil Supplies Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2. Joint Collector, Civil Supplies Wing, Kadapa, Kadapa District.
3. The Revenue Divisional Officer, Civil Supplies Wing, Kadapa, Kadapa District.
4. The Tahsildar, Civil Supplies Wing, Kadapa District.(1 to 4 BY RPAD)(along with a copy of petition and affidavit)
5. Two CCs to G.P. for Civil Supplies (TG), High Court, at Hyderabad (BY SPL.MESSEGNER) (along with a copy of petition and affidavit)
6. Two CCs to G.P. for Civil Supplies (AP), High Court, at Hyderabad (BY SPL.MESSEGNER) (along with a copy of petition and affidavit)
7. One CC to Sri. Rachana Waddepalli, Advocate (OPUC)
8. One Spare copy

KK

HIGH COURT

VVAJ

DT. 28-1-2015

NOTE: POST AFTER FOUR WEEKS

NOTICE BEFORE ADMISSION

W.P.NO.871 FO 2015

DIRECTION

HIGH COURT

VVAJ

Drafted by:KK
Drafted on: 30-1-2015

DT. 28-1-2015

NOTE: POST AFTER FOUR WEEKS

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W.P.NO.871 FO 2015

DIRECTION