

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No.1055 of 2015

Dt:09.12.2015

Between:

The State of Andhra Pradesh and others.

... Appellants

And

N.Padmavathi.

... Respondent

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 1055 of 2015

PC: (per the Hon'ble Sri Justice S.V.Bhatt)

Heard learned Government Pleader for Civil Supplies for the appellants and Mr.K.Srinivas, learned counsel for the respondent.

The intra-Court appeal is directed against the order, dated 05.11.2015, passed in WVMP No.1360 of 2015 in WPMP No.3831 of 2015 in W.P.No.2863 of 2015. By the order impugned, the learned Single Judge has recorded the following findings:

“According to respondents 2 and 3 in the writ petition, a notice dated 22.01.2015 was issued to the petitioner to appear before the 2nd respondent for an enquiry. Apart from this, notice dated 22.01.2015 does not indicate the date and time of enquiry.

According to respondents 2 and 3, this notice was not served personally and appears to have been pasted to her house.

I am of the view that the conduct of respondents 2 and 3 in the writ petition in fixing an enquiry without specifying the date and time of such enquiry and keeping it vague is deliberate and intentional.

Therefore, I am not inclined to vacate the interim order.

Hence, the interim order granted on 11.02.2015 in WPMP No.3831 of 2015 is made absolute.”

Learned Government Pleader for Civil Supplies for the appellants could not and did not point out any illegality against the order impugned in the appeal, but tried to persuade us by referring to

alternative arrangement for distribution of essential commodities, said to have been made through proceedings, dated 16.02.2015 and prays for continuing the said arrangement. We are afraid, these circumstances have no relevance to the reasons weighed with the learned Single Judge. The reason that weighed with the learned Single Judge is that the notice, through which enquiry is initiated, is, *prima facie*, defective and there is breach of principles of natural justice. We are in complete agreement with the order under appeal.

The writ appeal fails and it is accordingly dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:09.12.2015

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