

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21847 of 2015

DATED 15th July, 2015

BETWEEN

P.Husenamma

...Petitioner

And

The 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. 21847 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 Fair Price Shop Dealer for Shop No. 27 of Cherlagudipadu village, Gurajala Mandal, Guntur District and her authorization is valid up to 31.3.2016. While so, a criminal was registered against one Boggavarapu Gopala Krishna Murthy who disclosed the name of the husband of the petitioner at the time of seizing the stock from him. Based on the same, a show cause notice was issued to the petitioner on 27.5.2015. The petitioner submitted her explanation on 4.6.2015 stating that she has nothing to do with the said illegal transportation of kerosene oil. She further stated that the

available kerosene oil is recorded in the records and the same was verified and found to be correct. However, the impugned order of suspension of authorization of the petitioner was passed on 27.6.2015. Challenging the same, the present Writ Petition is filed.

This Court carefully perused the impugned order dated 27.6.2015. The said order was passed on the ground that during the revenue enquiry in the village, the cardholders stated that the dealer was not distributing the essential commodities including the kerosene oil and diverted the kerosene oil to black market for her personal gains. The impugned order further states that the delinquent dealer has not distributed the PDS kerosene oil to the card holders properly. However, the show cause notice does not allege anything regarding distribution of kerosene oil to the cardholders. But it relates to sale of kerosene oil to a person who was caught by the police while transporting the same. The petitioner stated in her explanation that the available kerosene oil tallies with the stock register and there was no probability of selling the kerosene oil contrary to the records. Without verifying the said fact, the impugned order of suspension of authorization was passed on different ground and therefore this Court is inclined to set aside the impugned order dated 27.6.2015. However, this order will not prevent the second respondent from initiating appropriate action against the petitioner if the second respondent thinks it necessary.

The Writ Petition is accordingly allowed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 15th July, 2015.
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