

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

WRIT PETITION No.22366 of 2015

Between:

Smt. I. Subbarathnam
... Petitioner
and

The State of Andhra Pradesh rep. by its
Principal Secretary, Civil Supplies Department,
AP Secretariat Buildings, Hyderabad
and others
... Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Lordship wish to see the
fair copy of the Judgments? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.22366 of 2015

ORDER:

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

The petitioner was appointed as fair price shop dealer for shop

No.3 of Tallur village and Mandal, Prakasam District. While so, on 09.10.2014, the Food Inspector, Podili inspected the shop of the petitioner and conducted a panchanama. Based on the same, a show cause notice was issued to the petitioner on 30.10.2014, which was received by the petitioner on 05.11.2014 and the petitioner submitted her explanation. However, an order was passed by the third respondent on 23.02.2015 canceling the authorization of the petitioner. Challenging the same, the petitioner preferred an appeal to the second respondent, who by order dated 30.06.2015 set aside the order of the third respondent dated 23.02.2015 and remanded the case to the third respondent to consider afresh. When the stock was not released in spite of the said order of the second respondent, the present writ petition is filed.

The learned counsel for the petitioner submits that the appellate authority-second respondent accepted the case of the petitioner with regard to improper enquiry by the third respondent and accordingly remanded the matter to the third respondent to conduct an enquiry afresh. In the circumstances, the order passed by the third respondent dated 23.02.2015 does not survive and authorization of the petitioner was deemed to have been restored. In spite of the same, respondents 3 and 4 are not releasing the stock to the petitioner.

It is clear from the order dated 30.06.2015 of the second respondent that the matter was remanded to the third respondent to conduct enquiry afresh. In that view of the matter, the order of the third respondent dated 23.02.2015 does not survive any further. It is needless to observe that so long as the authorization of the petitioner is in force, the petitioner is entitled to release of the stock for distribution to the cardholders.

In the circumstances, the writ petition is disposed of directing

respondents 3 and 4 to release the stock to the shop of the petitioner so long as the authorization of the petitioner is subsisting and in force.

As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 20.07.2015

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