

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

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WRIT PETITION No.23593 OF 2015

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Between:

D.Ramanjaneya Reddy

.. Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary to Government, Civil Supplies Dept,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | 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 Judgment? | Yes/No |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.23593 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a fair price shop dealer of shop No.15, Daramvaripalem Village, Tallur Mandal, Prakasam District. The authorization of the petitioner is valid upto 31.03.2016. The Food Inspector inspected the shop of the petitioner on 11.08.2014 in his absence and submitted a report. Based on the said report, the fourth respondent issued a show cause notice dated 20.08.2014 alleging that a benami person was running the shop. Though the petitioner submitted his explanation, without considering the same properly, an order was passed on 03.09.2014 cancelling the authorization of the petitioner. The petitioner preferred an appeal before the third respondent, along with a stay petition. When the same were not disposed of, the petitioner filed W.P.No.27427 of 2014 and this Court, by order dated 16.09.2014, disposed of the Writ Petition directing the Collector to dispose of the appeal within a period of eight weeks while suspending the order of the fourth respondent dated 03.09.2014. Thereafter, the third respondent passed an order on 03.11.2014 confirming the order of the fourth respondent dated 03.09.2014. The petitioner preferred a revision before the second respondent, along with a stay petition on 12.11.2014 and when the same were not disposed of, he filed W.P.No.34948 of 2014 and this Court, by order dated 25.11.2014, disposed of the Writ Petition directing the revisional authority to dispose of the appeal and further held that till the disposal of the revision petition by the said authority, the

petitioner should be continued as a fair price shop dealer. The second respondent, by his order dated 18.07.2015, remanded the matter to the fourth respondent for fresh enquiry and pass a speaking order. Since the fourth respondent did not release the commodities to the petitioner, the present Writ Petition is filed.

In the facts and circumstances of the case, when the revisional authority remanded the matter to the fourth respondent for fresh consideration in view of the orders passed by this Court in W.P.No.34948 of 2014, the petitioner should have been continued as a fair price shop dealer and is entitled to drawal of stock till the disposal of the matter by the fourth respondent.

Accordingly, the Writ Petition is allowed directing the fourth respondent to supply stock and pass final orders pursuant to the order of the revisional authority.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:06.08.2015
usd

