

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21177 of 2015

DATED 10th July, 2015

BETWEEN

Eruvakota Subba Reddy

....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. 21177 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. 4 of Kothapalem Village, Tallur Mandal, Prakasam District. While so, the Food Inspector, Podili inspected the Fair Price 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 and the petitioner submitted his explanation. However, an order was passed by the third respondent on 23.02.2015 cancelling the authorization of the

petitioner. Challenging the same, the petitioner preferred an appeal to the second respondent, who by order dated 26.6.2015 set aside the order of the third respondent dated 23.2.2015 and remanded the case to the third respondent to consider afresh. When 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 23.2.2015 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 26.6.2015 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 23.2.2015 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 so long as the authorization of the petitioner is subsisting and in force.

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 10th July, 2015.
Msrx