

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

WRIT PETITION No. 25197 of 2015

BETWEEN

V.Guravamma

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary,
Consumer Affairs, food and Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 11.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES
2. Whether the copies of judgments may be
marked to Law Reporters/Journals. NO
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? NO.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 25197 of 2015

ORDER:

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. 10 of K.G.Kandriga village in Pichatur Mandal, Chittoor District. The authorization of the petitioner is valid upto 31.03.2016. It appears that the fourth respondent submitted reports to the third respondent on 30.12.2014 and 19.3.2015, basing on which, the third respondent issued show cause notices on 20.01.2015 and 02.04.2015 asking the petitioner to submit her explanation. The petitioner submitted her explanation. But the third respondent passed the order dated 19.5.2015 cancelling the authorization of the petitioner stating that the petitioner has not submitted any explanation. The petitioner challenged the order passed by the third respondent dated 19.5.2015 before the second respondent, who while granting stay by proceedings dated 11.6.2015, ultimately disposed of the main appeal by order dated 24.7.2015 remanding the matter to the third respondent for conducting enquiry afresh. In the said order, the second respondent vacated the stay granted on 11.6.2015. Pursuant to the same, the fourth respondent passed order dated 1.8.2015 making alternative arrangement for distribution of the commodities by way of attaching the subject fair price shop to the fair price shop dealer of FP Shop No. 9 of Mudiyur Village. Challenging the

same, the present Writ Petition is filed.

It is clear from the above facts that the second respondent-appellate authority remanded the matter to the third respondent for consideration of the matter afresh and in view of the same, he vacated the stay order passed on 11.6.2015. When the order of remand is made by the appellate authority-second respondent, it is deemed that the order of cancellation of authorization passed by the third respondent on 19.5.2015 does not exist. In that effect only he vacated the stay, but respondents 3 and 4 construed the same otherwise and passed impugned order making alternative arrangement. In view of the remand of the matter by the appellate authority-second respondent, the petitioner should have been continued as fair price shop dealer till the order is passed by the third respondent in the fitness of things. In the circumstances, the impugned order dated 1.8.2015 passed by the fourth respondent is set aside and the third respondent is directed to conduct enquiry afresh consequent upon the remand of the matter by the second respondent-appellate authority by order dated 24.7.2015 and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order by duly observing the principles of natural justice. Till the order is passed by the third respondent, the petitioner shall be continued as fair price shop dealer in respect of Shop No. 10 of K.G.Kandirga village.

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

JUSTICE A. RAMALINGESWARA RAO

DATED 11th August, 2015.
Msnr_x