

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

WRIT PETITION No.23044 of 2015

Between:

C. Linga Reddy

... Petitioner

And

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Food, Civil Supplies and Consumer Affairs Department,
Hyderabad, and others.

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 05-08-2015

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 Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment | Yes/No |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.23044 of 2015

COMMON ORDER:

The petitioner was appointed as Fair Price Shop dealer of Shop No.106 of Pothugallu Village, Krishnagiri Mandal, Kurnool District, in the year 2010 and his licence was renewed from time to time. His authorization was valid up to 31.03.2016. When the 2nd respondent issued impugned order dated 22.07.2014, the petitioner filed W.P.No.33532 of 2014, which was allowed by this Court by order dated 10.11.2014 while suspending the order of suspension of authorization dated 22.07.2014. Thereafter, the 2nd respondent once again suspended the authorisation of the petitioner by order dated 10.07.2015. Challenging the same, the present writ petition is filed.

The allegations levelled against the petitioner read as follows.

1. The F.P. Shop dealer has not distributing the Essential Commodities to the cardholders relating to Shop No.106.
2. The F.P. Shop dealer while distributing the PDS Rice with less weightments of 1 kg of rice per card.
3. The F.P. Shop Dealer has not distributing the K.Oil regularly he was distributing the once in 2 or 3 months.
4. The F.P. Shop Dealer has not maintaining the timings as prescribed by the Government.
5. The F.P. Shop Dealer has not displayed the Price List and Name Board.

On a reading of the impugned order, it goes to show that the 2nd respondent suspended the petitioner's fair price shop authorisation on vague grounds. Further the petitioner was not issued any notice and given any opportunity to submit his explanation.

In the circumstances, the impugned order dated 10.07.2015 is set aside. However the 2nd respondent is at liberty to frame appropriate charges based on the report of the 3rd respondent dated 04.07.2014 and serve the same on the petitioner within 15 days from the date of receipt of a copy of this order. On receipt of such notice, the petitioner shall submit his explanation within 15 days thereafter and the 2nd respondent shall conduct enquiry in respect of the allegations and pass appropriate orders within a period of three months thereafter.

The writ petition is accordingly allowed to the extent indicated above. As a sequel, miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

5th August, 2015
Js.