

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

* * * *

WRIT PETITION No.24431 OF 2015

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Between:

Maganti Tirupathi.

.. Petitioner

And

The State of Andhra Pradesh,
Rep. by its Ex-Officio Secretary, Consumer Affairs, Food and Civil
Supplies Department, Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

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.24431 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.18, Turpuboyamadugula Village, Varikuntapadu Mandal, Nellore District. The authorization of the petitioner was valid upto 31.03.2015. The petitioner applied for renewal of authorization on 18.03.2015. The shop of the petitioner was inspected on 06.07.2015 and noticed some variation in the quantity of rice and small variation in sugar, redgram and kerosene and no disciplinary proceedings were initiated but supply of stock was stopped. The petitioner filed W.P.No.22194 of 2015, and the said Writ Petition was adjourned for getting instructions by the learned Government Pleader. Subsequently, the impugned order, dated 25.07.2015, suspending the authorization of the petitioner, was passed. Challenging the same, the present Writ Petition is filed.

Though the order states that the authorization of the petitioner expired on 31.03.2015, and the petitioner did not take steps for renewal of authorization, the papers, filed along with the Writ Petition, show that the petitioner applied for renewal on 18.03.2015. As per panchanama conducted on the date of inspection on 06.07.2015 in respect of variation in stock, 6A proceedings are pending before the Joint Collector. Based on the report of the inspecting officer dated 08.07.2015, the impugned order was passed on 25.07.2015. In view of seizure of stock and records on the date of inspection and recording the statement by the dealer, the further suspension of the authorization on the same allegations, at this stage, is not warranted.

In the circumstances, the impugned order of suspension of authorization, dated 25.07.2015, is set aside giving liberty to the

second respondent to conduct an enquiry, in respect of the allegations levelled against the petitioner, and finalise the same, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

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

A. RAMALINGESWARA RAO,J

Date:05.08.2015
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