

**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.25444 OF 2015

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Between:

K.Malakondaiah

.. Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary, Department of Civil Supplies,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 13.08.2015

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. 25444 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.24, Medaramitlapalem Village, Lingasamudram Mandal, Prakasam District. The Food Inspector, Kandukur, inspected the shop of the petitioner on 09.05.2015 and, at the time of inspection, no variation was noticed in the quantities. However, on the basis of the report of the Food Inspector, dated 11.05.2015, the third respondent issued a show cause notice dated 23.05.2015 stating that the petitioner had not supplied 2.15 quintals of rice and 26 litres of kerosene to the cardholders. On receipt of show cause notice, the petitioner submitted a petition on 30.05.2015 asking for a copy of the report and personally attended before the third respondent for enquiry. The third respondent, by the impugned proceedings dated 15.07.2015, cancelled the authorization of the petitioner. Against the same, the petitioner preferred an appeal to the second respondent on 28.07.2015, along with a stay petition. In the present Writ Petition, the petitioner challenges the order of the third respondent dated 15.07.2015.

A perusal of the impugned order dated 15.07.2015 passed by the third respondent discloses that only one charge was levelled against the petitioner with regard to non-registration of PDS rice of 2.15 quintals and 26 litres of kerosene and he denied the same in his explanation. The third respondent has recorded a finding that the charge was proved by repeating the charge. No enquiry was conducted with regard to the entries

alleged to have been made in the sales register and the persons to whom stock was not distributed.

In the circumstances, this Court is satisfied that the impugned order passed by the third respondent dated 15.07.2015 is vitiated and is, accordingly, set aside. The matter is remanded to the third respondent for conducting an enquiry in respect of allegations levelled against the petitioner, and passing appropriate orders thereon, after giving due opportunity to him, within a period of sixty days from the date of receipt of a copy of this order. In view of passing of this order, the appeal before the second respondent has become infructuous.

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:13.08.2015

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