

**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.24034 OF 2015
&
CONTEMPT CASE No.1387 of 2015**

Writ Petition No.24034 of 2015

Between:

M.Nagamalleswara Rao.

.. Petitioner

And

The State of Telangana,
Rep. by its Ex-Officio Secretary to Government, Consumer Affairs,
Food and Civil Supplies Dept, Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 03-08-2015

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.24034 OF 2015

&
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COMMON ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner in W.P.No.24034 of 2015 is a fair price shop dealer of shop No.12, Gudivada Town, Krishna District. The authorization of the petitioner was valid upto 31.03.2016. While so, on the news items published on 03.10.2014, the third respondent initiated 6A proceedings against number of fair price shop dealers alleging that some irregularities that took place in seeding Aadhar numbers in Epds Website, including the petitioner. The order of suspension was passed on 08.11.2014, and a show cause notice dated 28.11.2014 was issued to the petitioner. The petitioner submitted his explanation on 11.12.2014. Thereafter, the petitioner filed W.P.No.12120 of 2014. This Court, by order dated 27.04.2015, disposed of the Writ Petition following the order of the Division Bench in W.A.No.317 of 2015 dated 21.04.2015. Thereafter, the impugned order of suspension was passed on 27.06.2015. Challenging which, the present Writ Petition is filed.

This Court passed an order, in W.P.No.12120 of 2015 dated 27.04.2015, holding as follows:

“The Writ Petition is disposed of directing the third respondent – Revenue Divisional Officer to complete the enquiry within a period of one month from the date of receipt of a copy of this order. If the enquiry is not completed within the time stipulated above, the order of suspension will stand revoked and the petitioner shall be allowed to resume his dealership, pending enquiry.”

On receipt of the above order, it appears that again notices

were issued to the petitioner by the third respondent on 15.06.2015 and 24.06.2015 and he submitted explanation on 19.06.2015 and 27.06.2015 respectively after narrating the history of the case. The impugned order states as follows:

“In the reference 11th read above as per the orders of the Hon’ble High Court of Judicature for the State of Telangana and the State of Andhra Pradesh in W.P.No.12113 of 2015, this office issued notices to the following petitioners/fair price shop dealer (u/s) of Gudivada Town for personal hearing on 19.06.2015 and 26.06.2015 and conducted enquiry on that day and found that being a responsible fair price shop dealers, they submitted Bogus Aadhar Numbers of other persons to that of a Non-Existing ration card holders with ulterior motive to divert the Essential Commodities for pecuniary gains.”

.....

“In view of the above circumstances and interest of the public, it is hereby ordered that the suspension orders, which was issued in this office Ref.No vide Rc.J/757/2014, dated 08.11.2014 of the above said 15 Fair Price Shop Dealers (u/s) of Gudivada Town and Mandal, will be in force until further orders under clause 5(5) of the A.P. State Public Distribution System (Control) Order, 2008. These orders come into the force with immediate effect.”

A reading of the above order shows that the order was passed pending enquiry. Since the petitioner has already submitted his explanation, this Court directed the third respondent to conduct an enquiry and pass final orders and the third respondent ought to have conducted an enquiry and passed final orders. Surprisingly, again, an interim order was passed pending enquiry. When this was pointed out to the learned Government Pleader for Civil Supplies, learned Government Pleader fairly submitted that the third respondent erred in passing an order again, pending enquiry.

In view of the earlier order of this Court, in W.P.No.12120 of 2014 dated 27.04.2015, the order of suspension dated 08.11.2014 stood set aside, and the petitioner be allowed to continue as a fair price shop dealer, but the third respondent shall complete the

enquiry in respect of the allegations pending against the petitioner, and pass final orders thereon, within a period of thirty days from the date of receipt of a copy of this order. While passing such final orders, the third respondent shall take into consideration that the petitioner was issued authorization on 06.09.2014, and started business only on 06.09.2014 and the news item was published on 03.10.2014 and he was roped in along with others in the entire episode.

The Writ Petition is, accordingly, allowed.

C.C.NO.1387 of 2015

This contempt case is filed by the petitioner in W.P.No.11794 of 2015 alleging non-implementation of the order passed in W.P.No.11794 of 2015 dated 18.06.2015.

The aforesaid order was passed by this Court based on the orders passed by the Division Bench, in W.A.No.317 of 2015 dated 21.04.2015, filed against the order passed in W.P.No.11794 of 2015, wherein proceedings dated 08.11.2014 were issued by the third respondent in respect of a dealer who was involved in the alleged irregularity. The petitioner in W.P.No.24034 of 2015 was alleged to have been involved in the said irregularities.

In view of setting aside of the proceedings dated 08.11.2014 passed by the third respondent, in W.P.No.24034 of 2015, the third respondent is directed to comply with the order passed by the Division Bench of this Court in W.A.No.317 of 2015 dated 21.04.2015.

The contempt case is, accordingly, disposed of.

Miscellaneous petitions, if any, pending in both the cases shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:03.08.2015
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