

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

* * * *

WRIT PETITION No.29854 OF 2015

—
—

Between:

Shamka Bai

.. Petitioner

And

The State of Telangana,
Rep. by its Secretary, Revenue Department, Secretariat, Hyderabad
and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14-09-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

- | | |
|---|--------|
| 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.29854 of 2015

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 was appointed as a fair price shop dealer of shop No.29, Gulla Thanda Village, Jukkal Mandal, Nizamabad District. A show cause notice was issued to the petitioner on 08.11.2014 raising three allegations against her. She submitted her explanation denying the said allegations. However, an order of cancellation of authorization was passed on 24.12.2014 by the second respondent. Challenging the same, the petitioner preferred an appeal to the third respondent and the third respondent, by his order dated 16.05.2015, confirmed the same. Challenging which, the present Writ Petition is filed.

The allegations levelled against the petitioner are as follows:

1. The F.P.Shop is run by the dealer's brother (Benami).
2. Lifting the E.Cs. for entire stock but (5) card holders are not yet received ECs from 11 months and on local enquiry report (16) card holders were identified that they are also not received rice for October, 2014 but their signatures were available in DKR.
3. Records are not maintained properly.

The petitioner submitted her explanation as follows:

"In this regard, I humbly submit that I have issued commodities to all the card holders as per norms. With regard to (5) card holders I have shown their stock in the off-take. This has not been verified by the enquiry officers. I have never taken false thumb impressions of any persons in the dynamic key register. The enquiry officers have not enquired with those (5) card holders.

Further I submit that I have issued ECs to all card holders during October, 2014 and taken acknowledgment in the dynamic key register properly.

Regarding allegation of running of F.P.Shop by my brother Sri R.Jeevan, it is submitted that I am running the F.P.Shop personally and my brother Sri R.Jeevan is assisting me for weighment, measurement and

unloading of rice etc. Entire activities of running the F.P.Shop is being looking after by myself personally. Hence, I deny this allegation which is totally false and I have maintained books of accounts properly.”

Though the second respondent passed an order of cancellation of authorization, even after receipt of explanation as aforesaid, the third respondent, in the appeal, confirmed the order of cancellation on the ground that the petitioner admitted, in her written statement, that the essential commodities were not supplied to the white cardholders for the past 11 months.

Learned counsel for the petitioner points out that, in the absence of any admission in the written explanation, the order passed by the third respondent is vitiated. This Court accepts the said submission.

Accordingly, the impugned order, of the third respondent dated 16.05.2015, is set aside, and the matter is remanded to the third respondent for fresh consideration, in accordance with law, after giving due opportunity to the petitioner, and for passing appropriate orders 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:14.09.2015
usd

