

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

WRIT PETITION No.28006 of 2015

BETWEEN:

D. Laxmi Devi,
W/o. D. Srinivasulu

.. **Petitioner**

AND

The State of Andhra Pradesh,
rep.by its Principal Secretary,
Civil Supplies Department,
Secretariat at Hyderabad,
and 2 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 01.09.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments 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

Writ Petition No.28006 of 2015

ORDER:

_____ Heard the learned counsel for the petitioner and the learned
Government Pleader for Civil Supplies for the respondents.

_____ The petitioner is the fair price shop dealer for shop No.27 of

Kandukur Village of Kosigi Mandal in Kurnool District.

The fair price shop of the petitioner was inspected by the Tahsildar, Kosigi Mandal and noticed some irregularities. Thereafter, the Tahsildar submitted a report on 22.07.2015, based on which, the third respondent-Revenue Divisional Officer, Adoni issued show cause notice dated 25.07.2015 to the petitioner.

The petitioner submitted her explanation denying the allegations levelled against her. Being not satisfied with the said explanation, the third respondent, by order dated 07.08.2015 cancelled the authorization of the petitioner. Challenging the same, the present writ petition is filed.

_____ This Court carefully perused the impugned order dated 07.08.2015. The operative portion of the said order reads as follows:

“The report of the Tahsildar, Kosigi and the explanation of the dealer have been perused. On verification of the explanation of the dealer it clearly shows that he is not maintaining the F.P. shop regularly and not distributing ECs to the card holders properly. The dealer is not residing in Kandukur Village of Kosigi Mandal and residing in Adoni Town. More over the explanation submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of A.P.P.D.S. Control Order 2008, the FP shop authorization held by the dealer is hereby cancelled with immediate effect.”

When the petitioner has denied the charges levelled against her, burden is on the authorities to prove the charges and the petitioner cannot be asked to prove negative. A perusal of the impugned order indicates that no enquiry was conducted and only explanation of the petitioner was compared with the report of the Tahsildar and finally order of cancellation of authorization was passed. In the circumstances, this Court is inclined to set aside the order dated 07.08.2015 passed by the third respondent.

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Accordingly, the impugned order dated 07.08.2015 passed by the third respondent is set aside. However, it is open to the third respondent to conduct an enquiry by following the due process of law and pass final order thereon. Till the enquiry is completed and final order is passed, the petitioner shall not be disturbed from her fair price shop dealership.

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The writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions pending, if any in this writ petition, shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 01.09.2015

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