

**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.23846 OF 2015

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Between:

M.Krishnaiah. .. Petitioner

And

The State of Andhra Pradesh,

Rep. by its Secretary to Government, Civil Supplies Dept, Secretariat, Hyderabad
and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals

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.23846 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.38, Gorvimanupalli Village, Kolimigundla Mandal, Kurnool District. While so, the shop of the petitioner was inspected on 10.07.2015 and noticed some variation in the stock. The Tahsildar submitted a report on 10.07.2015. Based on the said report, 6A proceedings were initiated and are pending before the second respondent. On the basis of the said report, on the same day, the third respondent suspended the authorization of the petitioner. Though the petitioner filed an appeal before the second respondent against the said order, along with a stay petition, learned counsel for the petitioner challenged the order of the third respondent in this Writ Petition.

A reading of the impugned order passed by the third respondent shows that action was taken solely on the ground that 6A proceedings were initiated against the petitioner pursuant to the report of the Tahsildar, Kolimigundla Mandal dated 10.07.2015. It appears that the Deputy Tahsildar inspected the shop on 03.07.2015 and noticed some variation in PDS rice, sugar, red gram and kerosene oil. In respect of the said variation, proceedings were initiated and are pending. Though it is open to the third respondent to take proceedings under the Andhra Pradesh State Public Distribution System (Control) Order, 2008, no show cause notice has been issued to the petitioner till today. In the

circumstances, the impugned order of suspension dated 10.07.2015, passed by the third respondent, is set aside and the third respondent is directed to conduct an enquiry by issuing an appropriate notice, with regard to the irregularities noticed by the inspecting team on 03.07.2015, and after giving due opportunity to the petitioner complete the enquiry within a period of three months from the date of receipt of a copy of the order.

The Writ Petition is, accordingly, disposed of.

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

A. RAMALINGESWARA RAO,J

Date:31.07.2015

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