

**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.23288 OF 2015

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Between:

Baratam Srinivasa Rao.

.. Petitioner

And

The State of Andhra Pradesh,
Rep. by its Secretary to Government, Consumer Affairs Department,
Food and Supplies (CS-I) Department, Secretariat, Hyderabad and
others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28-07-2015

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.23288 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 Jallapeta Village, Gara Mandal, Srikakulam District. While so, the shop of the petitioner was inspected on 16.03.2015 by the Deputy Tahsildar, Srikakulam and found variation in sugar which is of quantity of 295 Kgs. A show cause notice was issued to the petitioner on 02.04.2015 based on the report submitted by the Deputy Tahsildar, Srikakulam and the petitioner submitted his explanation dated 16.04.2015. On receipt of explanation, the petitioner was called for enquiry on 07.05.2015. The statement of the petitioner was recorded, and a final order was passed on 14.05.2015 cancelling the authorization of the petitioner. Against the said order, the petitioner preferred an appeal to the second respondent on 22.05.2015. As no action was taken on the appeal filed before the second respondent, the present Writ Petition is filed.

Though the appeal was filed before the second respondent, learned counsel for the petitioner submits that the third respondent has not conducted proper enquiry and the burden is cast solely on the dealer and the order was passed contrary to the judgment passed by this Court as no report of the Deputy Tahsildar, Srikakulam was furnished to the petitioner.

Though the arguments of the learned counsel for the

petitioner has some substance, in view of the ratio laid down in various decisions of this Court, but since an appeal was preferred two months back before the second respondent, this Court is not inclined to entertain the arguments at this stage. However, the second respondent is directed to complete enquiry, and dispose of the appeal, within a period of thirty days from the date of receipt of a copy of this 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:28.07.2015

Note:CC three days

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