

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 28884 OF 2015

DATED 8TH SEPTEMBER, 2015

BETWEEN

C.Moulali

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Prl. Secretary, Civil Supplies & Consumer
Affairs Department, AP Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 28884 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned
Government Pleader for the respondents.

The petitioner was appointed as permanent Fair Price
Shop Dealer for Shop No. 29 of Vadla Ramapuram Village,
Atmakur Mandal, Kurnool District. The authorization of the
petitioner is valid till 31.03.2016. While so, the fourth respondent
submitted a report to the third respondent on 10.08.2015, based
on which, the authorization of the petitioner was suspended by
order dated 20.08.2015. Challenging the same, the present Writ
Petition is filed.

A perusal of the impugned order indicates that an
Inspection Team inspected the fair price shop of the petitioner
on 10.08.2015 and noticed certain variations in respect of

Kerosene Oil and Red Gram through e-Pos machine. It was also stating that the Tahsildar, Atmakur reported that he has seized 6.15 quintals of rice and 29 Kgs of sugar, but there is no variation in respect of the said stock.

It is to be seen that the Government recently introduced e-Pos machine for distribution of the commodities and the dealers like petitioner are not fully acquainted in operating the said machines. If the said machines function properly, there cannot be any scope for variation in the stock since the distributions are being made through digital machines. In these circumstances, this Court is of the considered opinion that exercise of power by the third respondent for suspension of the authorization of the petitioner is unwarranted in the facts and circumstances of the case. Accordingly the suspension of the authorization of the petitioner made through order dated 20.08.2015 is set aside, however, giving liberty to the third respondent to conduct an enquiry in respect of the allegations levelled against the petitioner and pass appropriate order thereon in accordance with law within three months from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 8th September, 2015.

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