

**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.22452 OF 2015

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Between:

D.Rangamma

.. Petitioner

And

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 21-07-2015

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 |

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 22452 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned

Government Pleader for the respondents.

The petitioner is the Fair Price Shop Dealer of Shop No.23, Molagavalli Village, Alur Mandal, Kurnool District. The Fair Price Shop of the petitioner was inspected by the Assistant Supply Officer, Adoni and noticed some irregularities. Thereafter, the Assistant Supply Officer, Adoni submitted a report on 09.03.2015, based on which, the third respondent issued a show cause notice dated 19.03.2015 to the petitioner. The petitioner submitted explanation on 26.03.2015 denying the allegations levelled against her. Being not satisfied with her explanation, the third respondent, by order dated 27.03.2015, cancelled the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

When the petitioner denied the charges levelled against her, the 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 Assistant Supply Officer, Adoni and, finally, an order of cancellation of authorization was passed. In the circumstances, this Court is inclined to set aside the order dated 27.03.2015 passed by the third respondent.

Accordingly the Writ Petition is allowed setting aside the order dated 27.03.2015 passed by the third respondent. However, it is open to the third respondent to conduct an enquiry by following due process of law, and pass final orders thereon. Till the enquiry is completed, and a final order is passed, the petitioner shall not be disturbed from her Fair Price Shop Dealership.

The Writ Petition is allowed to the extent indicated above.

Miscellaneous petitions pending consideration if any in the Writ
Petitions shall stand closed in consequence. No order as to
costs.

A. RAMALINGESWARA RAO,J

Date:21.07.2015
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