

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21839 of 2015

DATED 15th July, 2015

BETWEEN

Sk. Kalesha Vali

...Petitioner

And

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

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 21839 of 2015.

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for shop No. 22 of Ramanalavaripalem village, Tallur Mandal, Prakasam District. While so, the Food Inspector, Podili inspected the fair price shop of the petitioner on 9.10.2014 and conducted panchanama. Thereafter the petitioner received show cause notice dated 30.10.2014 from the third respondent on the basis of the report stated to have been submitted by the Food Inspector on 19.10.2014. The petitioner submitted his explanation on 10.11.2014. The third respondent passed order

dated 23.2.2015 cancelling the authorization of the petitioner. Challenging the same, the petitioner preferred an appeal to the second respondent, who passed order dated 30.6.2015 remanding the matter to the third respondent for conducting enquiry afresh. When the stock was not released even after disposal of the appeal by the second respondent by order dated 30.6.2015, the present Writ Petition is filed.

The second respondent passed order dated 30.6.2015 directing the third respondent to conduct enquiry afresh in the matter by examining the appellant as well as the Inspecting Officer in person. It means that the order under appeal dt. 23.2.2015 was set aside and the said order does not exist for survival. It follows that the authorization of the petitioner is in force if the same is renewed before its expiry. Thus, if the authorization of the petitioner is in force, in view of the order passed by the second respondent on 30.6.2015 the petitioner shall be released stock till the conclusion of the enquiry by the third respondent.

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The Writ Petition is allowed accordingly. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 15th July, 2015.
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