

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION NO.23582 OF 2015

Between:

P.Venkatarami Reddy.

...PETITIONER

AND

1. The State of Andhra Pradesh, Civil Supplies Department, Secretariat, Hyderabad,
rep.by its Secretary and three others.

...RESPONDENTS

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DATE OF JUDGMENT PRONOUNCED: 10.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? 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

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.23582 OF 2015

ORDER:

The petitioner was appointed as a Fair Price Shop dealer of Shop No.22, Budur Village, Mantralayam Mandal, Kurnool District. The authorization of the petitioner was valid upto 31.03.2016. While so, the third respondent issued a show cause notice dated 06.06.2015 based on the report submitted by the fourth respondent dated 24.04.2015. The petitioner submitted his explanation on 19.06.2015 and after receipt of explanation, an order was passed by the third respondent on 14.07.2015 cancelling the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

This Court carefully perused the impugned order of cancellation dated 14.07.2015 which contained three charges. The first charge relates to non-exhibition of stock-cum-price board. The second charge relates to distribution of essential commodities in a less quantity than the permitted quantity to the cardholders. The third charge relates to non-distribution of sugar for the month of April 2015. In respect of the first charge, it is a minor charge as contained in Clause 24 of the Control Order. With regard to the other two charges, the third respondent should have conducted an enquiry, but he passed the final order based on the report of the Tahsildar, Mantralayam Mandal. The records would be available with the authorities only.

In the circumstances, this Court is constrained to set aside the impugned order dated 14.07.2015 and remand the matter to the third respondent for conducting

enquiry afresh in respect of the charges levelled against the petitioner and complete the same within a period of three (3) months from the date of receipt of a copy of this order. It is needless to mention that in view of setting aside of the order passed by the third respondent, the petitioner shall be continued as Fair Price Shop Dealer of Shop No.22 of Budur Village, Mantralayam Mandal, till the final order is passed by the third respondent within the aforesaid period. It is also needless to mention that the third respondent shall observe principles of natural justice while passing the final order.

The Writ Petition is, accordingly, allowed and remanded. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.RAMALINGESWARA RAO, J)

10th August 2015

RRB