

*** THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY**

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+ Writ Petition No.8572 of 2011

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+ DT.01.06.2015

D.Pulla Reddy and others

...Petitioners

Vs.

\$ The Government of Andhra Pradesh, rep.by its Principal Secretary, Consumer Affairs, Food and Civil Supplies (CS-1) Department, Secretariat, Hyderabad and others

... Respondents

^ Counsel for the Petitioners: Sri L.V.S.Naga Raju

! Counsel for the respondents: GP for Civil Supplies (TS)

< Gist:

> Head note:

? Cases referred:

1. AIR 1952 SC 16
2. AIR 1978 SC 851

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.8572 of 2011

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Dated 01st June, 2015

Between:

D.Pulla Reddy and others

...Petitioners

And

The Government of Andhra Pradesh, rep.by its Principal Secretary, Consumer Affairs, Food and Civil Supplies (CS-1) Department, Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioner: Sri L.V.S.Naga Raju

Counsel for the respondents: GP for Civil Supplies (TS)

The Court made the following:

ORDER:

This writ petition is filed by fair price shop dealers, who are five in number, assailing the order in CCS Proceedings bearing No.N1/842/2010, dated 03.03.2011, of respondent No.2, whereby he has confirmed the order in proceedings bearing No.CS1/1919/2010, dated 04.11.2010, of respondent No.3.

The brief facts leading to filing of the case are that the petitioners are fair price shop dealers. By his proceedings, dated 04.11.2010, respondent No.3 has ordered bifurcation of the fair price shops held by them. Feeling aggrieved by the said order,

they have filed a common statutory appeal before respondent No.2. By the above-mentioned impugned order, respondent No.2 has dismissed the appeal, thereby confirming the order of respondent No.3.

A perusal of the impugned order shows that the same is wholly cryptic and bereft of any reasons whatsoever. All that respondent No.2 has stated in the operative of his order is as follows:

“The appeal is taken on file and the records were ascertained from the Collector (CS), Mahabubnagar District and the case is posted for hearing on 26.02.2011 at 11.00 am. The Counsel for the appellant is present. He has not submitted any new grounds other than in the affidavit of appeal. After perusing the written arguments on the bifurcation orders issued by Respondent-1, I find that the bifurcation made in respect of the FP Shops pertaining to all other Appellants is in accordance with the orders of the Government in G.O.Ms.No.35, Dated:17.09.2007 whereas the FP Shop pertaining to the Appellant at Sl.No.3 i.e., Sri K.Sangamaiah, S/o Balaiah, FP Shop Dealer, Peddadhagada Village is not in accordance with the said GO. **Hence I find no reason to interfere into the orders of bifurcation or on the further proceedings in respect of the Appellants mentioned at Sl.No.1,2,4,5 and 6 except the Appellant mentioned at Sl.No.3. I allow the appeal in respect of the Appellant at Sl.No.3 of the appeal.**”

At the hearing, the learned Government Pleader for Civil Supplies while fairly conceding that no specific reasons have been assigned by respondent No.2 to distinguish the petitioners' cases from the case of Sri K.Sangamaiah, however, sought to support the impugned order of respondent No.2 with the reasons mentioned in the counter affidavit.

I am afraid, the reasons contained in the counter affidavit cannot be looked into, for, the law is well settled that the reasons contained in the orders passed by quasi judicial or administrative authorities affecting the rights of the parties cannot be supplemented by way of affidavits (See **Commissioner of Police, Bombay v. Gordhandas Bhanji and Mohinder Singh Gill v. Chief Election Commission, New Delhi**).

In view of this undisputed legal position, the impugned order cannot be sustained and the same is accordingly quashed. Respondent No.2 is directed to reconsider the appeal of the petitioners and pass a fresh order by giving detailed reasons after hearing the petitioners afresh.

The writ petition is allowed accordingly.

As a sequel to disposal of the writ petition, W.P.M.P.No.10648 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

01st June, 2015

Note: LR copies to be marked.

(b/o)

VGB