

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.34140 of 2015

Between:

Siva Ramanjaneyulu.

....Petitioner

and

The State of Andhra Pradesh,

Rep.by its Principal Secretary,

Consumer Affairs, Food and Civil Supplies Department,

Andhra Pradesh Secretariat, Hyderabad,

And others.

....Respondents

JUDGMENT PRONOUNCED ON : 14.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes

may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34140 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.33 of Mettupalli Village, Peapully Mandal in Kurnool District. When the authorisation of the petitioner was suspended on 21.04.2014, the petitioner filed W.P.No.2951 of 2015 and this Court disposed of the said Writ Petition on 12.02.2015 setting aside the order of suspension and giving liberty to the third respondent to conduct an enquiry in respect of the allegations leveled against the petitioner. The petitioner submitted his explanation on 30.06.2014 to the show cause notice dated 16.06.2014. It appears that a report was called from the Tahsildar, Peapully, who submitted the same on 09.09.2015 and on the basis of the said report, the authorisation of the petitioner was cancelled on 15.09.2015 without conducting any enquiry. Challenging the same, the present Writ Petition is filed.

The impugned order dated 15.09.2015, after recording the order passed by this Court in W.P.No.2951 of 2015 dated 12.02.2015 and the irregularities committed by the petitioner, reads in the last para as follows:

“In this connection it is submitted that, as per A.P.State Public Distribution System (Control) Order, 2008 Clause 5(14)(iii) “Every authorized Fair Price Shop Dealer/Nominated retailer/hawker shall apply for renewal of authorisation one month before expiry of validity duly remitting the fee prescribed for renewal of authorisation and such application shall be disposed by the appointing Authority before 31st March. However, a grace period of one month is allowed for renewal in exceptional cases duly recording the reasons. The application received for renewal of authorisation shall stand cancelled and the entire security deposit shall be forfeited. Such the Fair Price Shop/Nominated retailer/hawker become vacant and such vacancy shall be filled in duly

following the guidelines. The appointing authority is not vested with the powers to renew the authorisation on the request received for renewal after the expiry of extended period of validity of authorisation.

In view of the above the dealership of Sri M.Sivaramanajaneyulu of Mettupalli Village of Peapully Mandal of Shop No.33 is hereby cancelled under A.P.State Public Distribution System (Control) Order, 2008 Clause 5(14)(iii).'

Since no enquiry is conducted, this Court is constrained to set aside the order dated 15.09.2015 and remand the matter to the third respondent for conducting enquiry in respect of the allegations leveled against the petitioner and passing final orders after giving due opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order. In view of the setting aside of the impugned order, it is needless to observe that the petitioner shall be continued as the dealer.

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

(A.RAMALINGESWARA RAO, J)

14.10.2015

VS

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