

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.23063 of 2015

Between:

J.Yogeswaraiah.

....Petitioner

and

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

....Respondents

DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

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 His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.23063 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer on permanent basis and the authorisation of the petitioner was valid up to 31.03.2016. In respect of variation of stock, the third respondent issued a show cause notice on 27.05.2015 based on the report of the Tahsildar, Adoni. The petitioner submitted his explanation on 22.06.2015. When the stock was not released even after submission of explanation, the petitioner approached this Court and filed W.P.No.19880 of 2015 and this Court disposed of the said Writ Petition on 02.07.2015 directing the third

respondent to complete the enquiry within sixty days. Now, the third respondent passed an order of cancellation of authorisation, by order dated 17.07.2015, challenging which, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the order of this Court in W.P.No.19880 of 2015 was made available to the third respondent in the first week of July 2015, and without referring to the same and without conduct an enquiry, the impugned order was passed.

This Court perused the impugned order, which was passed after extracting the explanation by holding as follows:

“The report of the Tahsildar, Mantralayam and the explanation of the dealer have been perused. On verification of the explanation of the dealer it clearly shows that he is not maintaining the F.P.Shop regularly and not distributing ECs to the card holders properly. More over the explanations submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of A.P.P.D.S Control Order 2008. The FP Shop dealership/authorisation held by the dealer is hereby cancelled with immediate effect.

The Tahsildar, Mantralayam is requested to make alternative arrangements for uninterrupted direction of ECs to the card holders and report compliance.”

It is clear from the above extract that no enquiry was conducted by the third respondent. There is no basis for the finding that the dealer was indulging in clandestine business.

In the circumstances, the impugned order dated 17.07.2015 passed by the third respondent is set aside and the matter is remanded to the third respondent for conducting an enquiry afresh by giving due opportunity to the petitioner and pass appropriate orders within a period of thirty days from the date of receipt of a copy of this order.

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

24.07.2015
vs

(A.RAMALINGESWARA RAO, J)