

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29175 of 2015

DATED 9th September, 2015

BETWEEN

Adusumalli Venkata Krishna Rao and ors

..Petitioners

And

The State of Andhra Pradesh,
Rep. by Secretary to Government,
Food and Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29175 of 2015

ORDER:

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

The petitioners are the residents of Konaphalam Village, Kallipalem Post, Nizampatnam Mandal, Guntur District and they possess ration cards which comes under Fair Price Shop No. 15, which is held by the fifth respondent. The petitioners stated to have submitted a representation on 27.10.2014, basing on which, the Deputy Tahsildar, Civil Supplies, Nizampatnam inspected the fair price shop of the fifth respondent on 24.12.2014 and submitted a report. When no action was taken, the petitioners filed Writ Petition No. 11480 of 2015 and this Court disposed of the said Writ Petition by order dated 21.04.2015 directing respondents 1 to 4 to conduct an enquiry against the fifth respondent and take appropriate action in

accordance with law. Thereafter the third respondent suspended the authorization of the petitioner by order dated 31.07.2015 and challenging the same, the fifth respondent preferred an appeal to the second respondent. Simultaneously he also filed Writ Petition No.26896 of 2015 challenging the order of suspension. This Court disposed of the said Writ Petition by order dated 25.08.2015 setting aside the suspension order dated 31.07.2015 on the ground that it was vague. However, the third respondent herein was given liberty to frame appropriate charges against the petitioner if he finds that there are irregularities. Now the present Writ Petition is filed by the card holders alleging that the fifth respondent filed the aforesaid Writ Petition No. 26896 of 2015 without impleading them as party respondents and no action is being taken pursuant to their representation dated 27.10.2014.

In view of the aforesaid facts, when this Court was constrained to set aside the order of suspension of authorization dated 31.07.2015 on the ground that vague charges are levelled against the petitioner and kept open for the third respondent to frame appropriate charges if action is to be taken against the fifth respondent, it is needless to say that third respondent shall take into consideration the representation of the petitioner dated 27.10.2014 and also the reports of the inspecting official before taking action against the fifth respondent. In view of the disposal of the Writ Petition in the manner as indicated above, notice to the fifth respondent is dispensed with.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 9th September, 2015.

Msnr_x