

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

* * * *

WRIT PETITION No.30347 OF 2015

—
—

Between:

K.N.Narasimha Murthy

.. Petitioner

And

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 18-09-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | 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 |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.30347 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies. The Writ Petition is being disposed of at the stage of admission with the consent of parties.

The petitioner was appointed as a permanent fair price shop dealer of shop No.68, Malugur Village, Hindupur Mandal, Anantapur District. The shop of the petitioner was inspected on 26.02.2015 and variation in stock was noticed. Based on the report submitted by the Tahsildar, Hindupur dated 28.02.2015, a show cause notice was issued to the petitioner on 18.03.2015, to which the petitioner submitted his explanation 27.03.2015. As the authorization of the petitioner was cancelled, he filed the present Writ Petition.

Learned counsel for the petitioner submits that without conducting any enquiry, the authorisation of the petitioner was cancelled.

The allegation levelled against the petitioner relates to 0.06% variation in PDS rice and 7.49% variation in kerosene oil. When the petitioner submitted a detailed explanation on 27.03.2015 denying the allegations levelled against him, the third respondent should have conducted an enquiry before taking drastic action of cancellation of authorization. A perusal of the impugned order of cancellation dated 08.04.2015 shows that no enquiry was conducted.

In the circumstances, this Court is constrained to set aside the order dated 08.04.2015 passed by the third respondent, and remand the matter to the third respondent for conducting enquiry, in accordance with law, after giving due opportunity to the petitioner, and complete the same, within a

period of three months from the date of receipt of a copy of this order. In view of setting aside the order of cancellation of authorization of the petitioner, he shall be continued as a fair price shop dealer till final orders are passed by the third respondent after conducting enquiry.

The Writ Petition is allowed to the extent indicated above. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:18.09.2015
usd

