

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

WRIT PETITION No.27426 of 2015

BETWEEN:

L. Rama Devi,
w/o. G.V. Suresh Kumar

.. **Petitioner**

AND

The State of Andhra Pradesh,
rep.by its Principal Secretary,
Civil Supplies Department,
Secretariat Buildings, Hyderabad,
and 3 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 31.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments may be
marked to Law Reporters/Journals. | YES/NO |
| 3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment ? | YES/NO |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.27426 of 2015

ORDER:

_____ The petitioner was appointed as fair price shop dealer of shop
No.15 situated at K. Sunkesula Village of Khajipet Mandal in Y.S.R.
District, on permanent basis in the year 2005.

The authorization of the petitioner is valid up to 31.03.2016. While so, the shop of the petitioner was inspected on 20.07.2015 by the fourth respondent-Tahsildar, Khajipet Mandal and a report dated 23.07.2015 was submitted to the third respondent-Revenue Divisional Officer, Kadapa. Based on the said report, the third respondent issued a show cause notice on 29.07.2015 to the petitioner and the petitioner submitted her explanation on 04.08.2015. The impugned order was passed on 22.08.2015 stating that the petitioner did not submit her explanation and in view of the same, the authorization of the petitioner was suspended.

_____ The learned counsel for the petitioner submits that the petitioner submitted her explanation on 04.08.2015 and filed a copy of the same along with the writ petition which bore the stamp of the third respondent dated 04.8.2015. If the explanation was received by the third respondent, the third respondent ought not to have stated that no explanation was submitted by the petitioner.

_____ Be that as it may, in view of the nature of the charge of difference of 32 liters of kerosene compared to the total quantity of 653 liters and also in view of the fact that the only one charge was levelled against the petitioner, this Court feels that power of suspension was not properly exercised by the third respondent. Accordingly, the impugned order dated 22.08.2015 is set aside to the extent of suspension. However, the third respondent shall proceed with the enquiry after giving due opportunity to the petitioner and pass appropriate orders thereon, within a period of three months from the date of receipt of a copy of this order.

_____ Accordingly, the writ petition is allowed to the extent indicated above. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 31.08.2015

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