

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24251 of 2012

Date:08.10.2015

Between:

S.Venkata Ramana,

W/o Ramakotaiah and nine others.

..... Petitioners

And:

The District Collector, Guntur

and three others.

.....Respondents

Counsel for the Petitioners: Mr. B.Chinnapa Reddy

Counsel for the Respondents: GP for Civil Supplies (AP)

The Court made the following:

ORDER:

The petitioners, who are some of the card holders attached to the fair price shop of Nagavaram Village, Krosuru Mandal, Guntur District, filed this Writ Petition feeling aggrieved by order, dated 20.5.2012, in Revision Case No.5/2012-S7, of respondent No.1, whereby he has set aside proceedings in Rc.No.1459/2009-B, dated 05.6.2012, of respondent No.2, confirming the proceedings vide A.C.D.Dis.No.23/2010-87, dated 25.7.2011, of the Joint Collector, Guntur, and restored the fair price shop authorization of respondent No.4.

A perusal of the record shows that the main grounds on which the authorization of respondent No.4 was cancelled were that there was a variation of 3.48 quintals of rice and he was caught red handed while diverting 45 bags of PDS rice through Tata Siyara

bearing registration No.AP-27-V-3856 on 22.9.2009 at Dodleru Village.

As rightly observed by respondent No.1, when the variation allegedly found was 3.48 quintals of rice, there was no possibility of respondent No.4 diverting 45 bags of rice and that in the absence of any direct evidence such as presence of respondent No.4 or his representative during the time of transportation of the said rice or any other evidence to connect the said rice to the fair price shop of respondent No.4, finding him guilty of the said charge cannot be sustained. However, respondent No.1 has imposed a fine of Rs.10,000/- on the petitioner for the variation in stock and restored his authorization with the warning to be more careful in future regarding maintenance of records.

On a careful consideration of the impugned order of respondent No.1 and the reasons assigned by him for restoring the fair price shop authorization of respondent No.4, I am of the opinion that this is not a fit case to interfere with the same.

Accordingly, the Writ Petition is dismissed.

JUSTICE C.V.NAGARJUNA REDDY

08th October 2015

DR