

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29164 of 2015

DATED 9th September, 2015

BETWEEN

Kotapuri Rani

...Petitioner

And

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

...Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29164 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer
for Shop No. 2 of Tallur Village and Mandal, Prakasam District.
The Enforcement Deputy Tahsildar, Darsi inspected the fair
price shop of the petitioner on 21.06.2015 and prepared a
panchanama, based on which, he submitted a report. 6-A
proceedings were initiated thereafter and the same are pending.
On the basis of the report, the second respondent issued a
show cause notice on 20.06.2015 alleging excess quantity of
rice and shortage of kerosene oil. The petitioner submitted her
explanation on 14.07.2015. However without conducting an
enquiry, the second respondent cancelled the authorization of

the petitioner by proceedings dated 27.08.2015. Challenging the same, the present Writ Petition is filed.

A perusal of the impugned order shows that no enquiry was conducted into the allegations levelled against the petitioner. The order of cancellation shows other allegations which were not included in the show cause notice. Further it shows that the fair price shop was being run by a benami, namely, Nadendla Sreenu, S/o Koteswara rao and that the petitioner has not produced her authorization at the time of inspection. It was also alleged that the petitioner was not maintaining timings for distribution of the commodities and that no stock board was displayed in the shop.

In the circumstances, this Court is satisfied that the final order of cancellation of authorization is vitiated for not conducting a due enquiry and further that two more charges other than the charges mentioned in the show cause notice are added in the impugned order. In that view of the matter, cancellation of authorization of the petitioner passed in proceedings dated 27.08.2015 is set aside and the matter is remanded to the second respondent for conducting an enquiry into the allegations levelled against the petitioner by giving due opportunity to her and passing final orders thereon within a period of sixty days from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above. 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