

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

WRIT PETITION No. 23192 of 2015

BETWEEN

Smt. Y.Kasi Lakshamma

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Ex-Officio Secretary to Government,
Consumer Affairs, Food and Civil Supplies (CS.1)
Department, Secretariat, Hyderabad and ors.

...Respondents.

DATE OF JUDGMENT PRONOUNCED: 27.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 23192 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. 5 of Malyavanthunipadu village, Markapur Mandal,
Prakasam District on compassionate grounds. A show cause
notice was issued on 15.10.2014 pursuant to the inspection
conducted by the Deputy Tahsildar, Enforcement on 9.10.2014.
The petitioner submitted her explanation on 24.10.2014.
Thereafter the authorization of the petitioner was suspended on
30.10.2014. Challenging the same, the petitioner filed Writ
Petition No. 35073 of 2014 and the same was allowed by order
dated 19.11.2014. Another show cause notice dated 23.6.2015
was issued and the petitioner submitted her explanation on
4.7.2015 and within four days thereafter, the impugned order of
cancellation of authorization was passed by the third respondent
on 8.7.2015. Challenging the same, the present Writ Petition is
filed.

This Court carefully perused the impugned order which
contains two allegations against the petitioner. The two
allegations relate to shortage of sugar and kerosene oil. It was
alleged that the said commodities were diverted to the black

market and pursuant to the same, the Tahsildar submitted a report for taking action against the dealer. After considering the explanation submitted by the petitioner, the third respondent came to the conclusion that the petitioner diverted the commodities to the black market. It is to be seen that the petitioner has submitted her explanation on 4.7.2015 whereas the impugned order was passed on 8.7.2015. A reading of the impugned order discloses that it is based on the report of the Tahsildar rather than conducting enquiry by the third respondent. In the circumstances, the impugned order dated 8.7.2015 passed by the third respondent is set aside and the matter is remanded to the third respondent for conducting enquiry afresh and pass reasoned order thereon within a period of three months 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 27th JULY, 2015.
Msnr_x