

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

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WRIT PETITION No.29994 OF 2015

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Between:

Magam Rama Devi.

.. 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: 15-09-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 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

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WRIT PETITION No.29994 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 fair price shop dealer of shop No.30, Jamukuladinne Village, Darsi Mandal, Prakasam District. On 20.06.2015, the Enforcement Deputy Tahsildar (Civil Supplies) inspected the shop of the petitioner and noticed some variation in PDS rice. 6A proceedings were initiated, and are pending with the second respondent. Based on the report submitted by the inspecting officer, the third respondent issued a show cause notice dated 27.06.2015 framing only one charge against the petitioner, and the petitioner submitted a letter dated 06.07.2015 requesting for furnishing a copy of the report. Instead of furnishing the report, the authorization of the petitioner was suspended, fixing the date of enquiry as 27.07.2015, by order dated 13.07.2015. However, the petitioner submitted her explanation on 03.08.2015 and also filed an appeal before the second respondent against the impugned order of suspension. The present Writ Petition is filed challenging the order dated 13.07.2015 suspending the authorization of the petitioner and as no orders were passed in the appeal by the second respondent.

The only allegation levelled against the petitioner is that the petitioner was found to be in excess quantity of 4.50 quintals. The said 4.50 quintals was found to be excess in relation to the total quantity of 56.12 quintals. The said allegation is based on the records and the same can be enquired into without suspending the authorization.

In the circumstances, this Court feels that the power of suspension was not properly exercised by the third respondent. Hence, this Court is constrained to set aside the order of suspension of authorization of the petitioner dated 13.07.2015.

However, the third respondent is directed to conduct an enquiry, pursuant to the explanation submitted by the petitioner and, after giving due opportunity to her, pass final orders within a period of ninety days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed at the stage of admission. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:15.09.2015

Note:CC three days

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