

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

* * * *

WRIT PETITION No.26436 of 2015

Between:

M.Anjanaiah.

....Petitioner

and

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Civil Supplies Department,
A.P.Secretariat, Secretariat Buildings, Hyderabad,
And others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 20.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

- | | | |
|----|--|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.26436 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.31 of Bantupalli, H/o.Chelleli Chelimela Village of Devanakonda Mandal in Kurnool District. On the basis of the report of the Tahsildar dated 04.04.2015, a show cause notice was issued to the petitioner on 25.04.2015 while suspending the dealership of the petitioner. Challenging the same, the petitioner filed W.P.No.15673 of 2015, and

this Court passed an order on 05.06.2015 directing the third respondent to pass final orders in respect of the allegations leveled against the petitioner. The third respondent cancelled the authorization by order dated 17.07.2015, and the same is challenged in the present Writ Petition.

Seven charges are leveled against the petitioner and most of the charges are trivial in nature. The explanation submitted by the petitioner was not dealt with properly by the third respondent and no enquiry was conducted. The order of cancellation was ultimately passed by holding as follows:

“The report of the Tahsildar, Devanakonda and the explanation of the dealer have been perused. On verification of the explanation of the dealer it clearly shows that he is not maintaining the F.P.Shop regularly and not distributing ECs to the card holders properly. More over the explanations submitted by the dealer is not convincing. As the dealer has contravened/violated the condition of A.P.P.D.S Control Order 2008. The FP Shop dealership held by the dealer is hereby cancelled with immediate effect.”

In the circumstances, the impugned order, dated 17.07.2015, is set aside and the matter is remanded to the third respondent for conducting enquiry afresh after giving due opportunity to the petitioner, and to pass final orders thereon within a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

20.08.2015
vs