

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20605 of 2015

DATED 9th July, 2015

BETWEEN

Kornu Sujatha

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Food, civil Supplies & Consumer Affairs Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 20605 of 2015

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer of Voppangi village, Srikakulam Mandal & District. While so, the fair price shop of the petitioner was inspected on 5.3.2014 by the Inspector of Police, Vigilance & Enforcement Department, Srikakulam along with the Mandal Revenue Inspector, Srikakulam and seized some stocks on the ground that there is variation in the stock and in view of the same, 6-A proceedings were initiated against the petitioner. As the commodities were not being supplied to the petitioner, pursuant to the order of this

Court in Writ Petition No. 33823 of 2014, the third respondent issued orders to the fourth respondent for release of the stocks. Thereafter, the third respondent issued show cause notice dated 10.2.2015, to which the petitioner submitted his explanation on 27.2.2015 clearly explaining the distribution of commodities to the various cardholders, the reason for variation in respect of Chilli powder, Turmeric powder etc. The third respondent by order dated 18.4.2015 cancelled the authorization of the petitioner. Challenging the same, the present Writ Petition is filed.

The third respondent while cancelling the authorization of the petitioner through impugned order dated 18.4.2015 observed as follows:

“ That the show cause notice issued to the FP shop dealer explanation submitted him and evidence produced before the RDO has been examined. As per charges, there is a huge variation of 6.10 Qtls. of PDS rice. The respondent has silent in the explanation regarding variation of PDS rice. The explanation submitted by the respondent is found to be not convincing. He has not explained the reasons for variation of other PDS items properly.

In the circumstances, I under the power vested to me u/s 5(5) of the APSPDS (Control) Order 2008 the FP Shop authorization of Smt. Kornu Sujatha, FP Shop dealer, Voppangi village is hereby cancelled.”

This Court carefully considered the explanation submitted by the petitioner and also the written arguments submitted before the third respondent. The petitioner clearly stated the

reasons for variation more particularly with regard to PDS rice. The petitioner gave details of card holders to whom he distributed the PDS rice. Despite the same, the authorization of the petitioner is cancelled stating that the petitioner was silent in the explanation regarding variation of PDS rice. The third respondent is expected to have conducted an enquiry with regard to the allegations made against the petitioners by duly observing the principles of natural justice. But he failed to do so. In the circumstances, this Court is constrained to set aside the impugned order dated 18.4.2015 passed against the petitioner.

The Writ Petition is accordingly allowed. However, it is open to the third respondent to conduct an enquiry in respect of the allegations levelled against the petitioner and pass reasoned orders after giving an opportunity of being heard to the petitioner. It is needless to observe that the petitioner is entitled to supply of essential commodities in view of setting aside the order of cancellation of authorization.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE A.RAMALINGESWARA RAO

Dated 9th July, 2015.
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