

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

\* \* \* \*

**WRIT PETITION No.23328 OF 2015**

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Between:

P.Ganga Jyothimayi.

.. Petitioner

And

The State of Andhra Pradesh,  
Rep. by its Principal Secretary to Government, Civil Supplies Dept,  
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28-07-2015

**SUBMITTED FOR APPROVAL:**

**HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

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|---------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals    | Yes/No |
| 3. Whether Their Lordship wish to<br>see the fair copy of the Judgment?         | Yes/No |

**HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

**WRIT PETITION No.23328 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 regular fair price shop dealer of shop No.9, Mogilicherla Village, Lingasamudram Mandal, Prakasam District. The shop was inspected on 10.09.2014 in the absence of the petitioner and the shop was broke open. On the basis of the report furnished by the Deputy Tahsildar, Lingasamudram Mandal, a show cause notice was issued after nine months on 20.05.2015. The petitioner submitted her explanation on 25.05.2015 and she was called for personal hearing on 08.06.2015. Accordingly, she appeared before the third respondent and he passed a final order on 17.06.2015 cancelling her authorization. Challenging the same, the present Writ Petition is filed.

There are two charges levelled against the petitioner. The first charge relates to difference in the quantity of PDS rice and the second charge relates to difference in the quantity of kerosene oil. She denied the said allegations. The third respondent repeated the charges as if they were findings and cancelled the authorization holding that the explanation submitted by the petitioner was not satisfactory. The third respondent is supposed to conduct an enquiry by proving the allegations levelled against the petitioner. Such type of enquiry is absent in the instant case.

In the circumstances, this Court is constrained to set aside the order dated 17.06.2015 passed by the third respondent, and the matter is remanded to the third respondent for conducting an enquiry afresh, in accordance with law, and complete the same, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

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**A. RAMALINGESWARA RAO,J**

Date:28.07.2015

Note:CC two days

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