

THE HON'BLE SRI JUSTICE A RAMALINGESWARA RAO

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WRIT PETITION No.32345 of 2015

ORDER

The petitioner was appointed as permanent fair price shop dealer of shop No.2241005 and he was also given in-charge dealer of shop No.32. The authorisation of the petitioner is subsisting up to 31.03.2016. While so, on 15.09.2015 the 5th respondent seized an auto while transporting red gram dall. Based on the statement made by the auto driver, the 5th respondent inspected the petitioner's shop on 15.09.2015 and found variation of 22.90 quintals of Rice and 1.52 quintals of Sugar, thereby 6-A proceedings were initiated and they are pending.

While so, when an order was passed by the Tahsildar, Mudigonda, on 27.09.2015 keeping the dealer of the shop No.2241002 as in charge of the shop No.2241005 in respect of which the petitioner is permanent dealer and keeping the dealer of shop No.2241008 as in charge of shop No.2241032. Challenging the same, the present writ petition is filed.

The learned Government Pleader for respondents submits that a show cause notice was issued to the petitioner on 26.09.2015 and no explanation is filed as on today. It is clear from the above submissions that the authorisation of the petitioner is subsisting as on today and is valid. So long as the authorisation of the petitioner is valid, the petitioner is entitled for distribution of the essential commodities in respect of the permanent fair price shop No.2241005. However, in respect of the in charge shop No. 2241032, the respondents can make temporary arrangements. In view of this, the order passed by the Tahsildar, Mudigonda Mandal, on 27.09.2015 keeping the dealer of shop No.2241002 as in charge of shop No.2241005 in respect of which the petitioner is a permanent dealer is set aside and in that view of the matter, it is needless to say that so long as the authorisation of the petitioner is in force, the petitioner shall be released the essential commodities for onward distribution to the card holders in respect of the said shop No. 2241005.

Accordingly, the writ petition is allowed to the extent indicated above. There shall be

no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A RAMALINGESWARA RAO, J

Date:07.10.2015

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