

IN THE HIGH COURT OF JUDICATURE;

AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No. 23904 of 2015

BETWEEN

G.Srinivasa Rao

...Petitioner

And

The State of Andhra Pradesh,

Rep. by its Secretary,

Consumer Affairs, Food and Civil Supplies (CS.I)

Department, Secretariat, Hyderabad and ors.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 31.7.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be
marked to Law Reporters/Journals. YES/NO

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment ? YES/NO.

**HONOURABLE SRI JUSTICE
A. RAMALINGESWARA RAO**

WRIT PETITION No. 23904 of 2015.

ORDER:

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

The petitioner was appointed as Fair Price Shop Dealer for Ponnekallu

village, Tadikonda Mandal, Guntur District. The Deputy Tahsildar, Tadikonda inspected the fair price shop of the petitioner on 6.6.2014 and noticed some variations in the rice quantity. The Assistant Supply Officer submitted a report on 09.6.2014, based on which, it appears that 6-A proceedings were initiated. However a show cause notice was issued by the second respondent on 12.6.2014 in respect of the said 6-A proceedings and thereafter suspended the authorization of the petitioner by impugned order dated 12.6.2014. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner submits that 6-A proceedings initiated against the petitioner have not been finalized yet and that the second respondent did not issue any show cause notice alleging violations under the provisions of the APSPDS (Control) Order, 2008.

This Court, *prima facie*, is of the opinion that the procedure adopted by the second respondent pursuant to 6-A proceedings is not correct. It is for the Joint Collector to initiate 6-A proceedings and issue show cause notice. But the second respondent himself issued show cause notice asking the petitioner to submit his explanation with regard to the proposed confiscation of the stock. In the said show cause it was indicated that the dealership was kept under suspension and on the same day, i.e. 12.6.2014, an order was passed suspending the authorization of the petitioner until further orders. Even if it is assumed that the order of suspension dated 12.6.2014 is passed in violation of the provisions of the APSPDS (Control) Order 2008, the second respondent ought to have completed the enquiry within 90 days by issuing appropriate show cause notice separately. No separate show cause notice appears to have been issued. In the circumstances, the second respondent is directed to conduct an enquiry in respect of the irregularities mentioned in the report of the Assistant Supply Officer, dated 9.6.2014 by issuing appropriate show cause notice and inviting explanation from the petitioner and pass appropriate orders thereon. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

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

JUSTICE A. RAMALINGESWARA RAO

DATED 31st JULY, 2015.

Msnr_x