

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

WRIT PETITION Nos.22106 of 2014 and 17045 of 2015

Between:

W.P.No.22106 of 2014:

K.Hymavathi.

... Petitioner

and

Government of Andhra Pradesh rep. by its
Principal Secretary, Civil Supplies Department,
Secretariat, Hyderabad
and others

... Respondents

W.P.No.17045 of 2015:

K.Hymavathi.

... Petitioner

and

The State of Andhra Pradesh rep. by its
Secretary, Civil Supplies Department,
Secretariat, Hyderabad
and others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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|--|--------|
| 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 Their Lordship wish to see the
fair copy of the Judgments? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.22106 of 2014 and 17045 of 2015

COMMON ORDER:

Since the issue involved in both the writ petitions is inter-related and the petitioner in both the writ petitions is one and the same, they are being disposed of by this common order.

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

W.P.No.22106 of 2014 is filed challenging the order of cancellation of authorization of the petitioner dated 10.07.2014 in respect of three allegations levelled against the petitioner. This Court by order dated 05.08.2014 suspended the order of cancellation dated 10.07.2014.

When the said order of suspension is in force, the petitioner was again served with a show cause notice on 02.04.2015. To which, the petitioner submitted an explanation on 13.04.2015. Without considering the said explanation, an order of suspension was passed on 22.04.2015 by the Revenue Divisional Officer, Kandukuru. Challenging the same, the petitioner filed W.P.No.17045 of 2015 and this Court noticed the apparent non-consideration of the orders of suspension granted by this Court in the earlier writ petition.

This Court called for a report from the District Collector, Ongole. To which, the District Collector, Ongole submitted a report on 05.07.2015 stating that the action was taken against the Senior Assistant, who did not bring the earlier matter to the notice of the Revenue Divisional Officer.

The earlier order of cancellation on 10.07.2014 was passed pursuant to the report submitted by the Food Inspector on 10.06.2014 and that order was suspended by this Court by order dated 05.08.2014. The order of suspension of authorization dated 22.04.2015 was suspended by this Court on 16.06.2015. The common ground mentioned in both the orders of cancellation as well as the order of suspension is that the petitioner is running the shop through a benami, Narasa Reddy. There are other allegations relating to variation of stock.

In view of the orders of operation of the suspension passed by this Court in respect of orders dated 10.07.2014 and 22.04.2015, both the writ petitions are allowed setting aside both the impugned orders dated 10.07.2014 and 22.04.2015 and the Revenue Divisional Officer, Kandukuru Division, Prakasam District (3rd respondent in W.P.No.22106 of 2014 and 2nd respondent in W.P.No.17045 of 2015) is directed to conduct an enquiry by giving due opportunity of hearing to the petitioner in respect of the allegations in show cause notices dated 18.06.2014 and 02.04.2015 jointly and pass final orders thereon by duly following the principles of natural justice, within a period of three months from the date of receipt of a copy of this order. It is needless to mention that the orders to be passed by the Revenue Divisional Officer shall contain the reasons. In view of the setting aside the impugned orders dated 10.07.2014 and 22.04.2015, the petitioner shall be continued as a dealer till conclusion of the enquiry and necessary stock shall be released to the shop of the petitioner.

As a sequel, miscellaneous petitions, if any pending in both the writ petitions, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 20.07.2015

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