

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.29012 of 2015

DATED 8th September, 2015

BETWEEN

Ediga Kalavathi

...Petitioner

And

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

..Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 29012 of 2015

ORDER:

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

The petitioner was appointed as permanent Fair Price
Shop Dealer for Shop No. 35 of Kallukunta Village, Pedda
Kadubur Mandal, Kurnool District. It appears that the Tahsildar,
fourth respondent herein, submitted a report on 29.7.2015
stating that the dealer is not residing in the village and is
residing in Togalagallu village of Aspari Mandal along with her
husband and the fair price shop is being run by a benami
person, namely Ediga Chandrasekhar. The petitioner submitted
her explanation on 17.8.2015. Dissatisfied with the same, the
third respondent by order dated 19.8.2015 cancelled the
authorization of the petitioner. Challenging the same, the

present Writ Petition is filed.

The learned Counsel for the petitioner submits that on identical charges of running the fair price shop by a benami person and also that the petitioner was not residing in the village, earlier action was sought to be taken against the petitioner in the year 2012 and after enquiry, an order was passed by the then Revenue Divisional Officer on 15.10.2012 restoring the authorization of the petitioner pursuant to the report submitted by the then Tahsildar, Paddakadubur wherein it was stated that the petitioner is residing in the village with her husband. The main allegation levelled against the petitioner in the present Writ Petition is also the same to the earlier one as stated supra, however, two more minor allegations are clubbed with the present allegation. In view of the previous instance and having regard to the repetition of the same now, some truth is concealed somewhere and the same has to be enquired into by the appointing authority. But no enquiry appears to have been conducted by the third respondent and on the other hand, he passed the impugned order with in two dates after the submission of the explanation by the petitioner on 17.8.2016.

In the circumstances, the impugned order of cancellation of authorization of the petitioner passed by the third respondent dated 19.08.2015 is set aside and the matter is remanded to the third respondent for conducting an enquiry in accordance with law in respect of the allegations levelled against the petitioner by giving due opportunity to her and pass final order thereon within three months from the date of receipt of a copy of this order.

The Writ Petition is allowed to the extent indicated above.
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 8th September, 2015
Msnr_x