THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.6376 of 2016

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Between:

Smt. K. Shakuntalamma

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Secretary, Consumer Affairs, Food & Civil Supplies (CS.I) Department, A.P. Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents and with their consent the writ petition itself is taken up for disposal at the admission stage.

The case of the petitioner is that she was appointed as fair price shop dealer of Shop No.20, M.D. Mangalam Village, G.D. Nellore Mandal, Chittoor District by the 2nd respondent. On 24.08.2014, on the basis of the report submitted by the 3rd respondent, the 2nd respondent issued show cause notice dated 27.08.2014 to the petitioner on certain allegations. Though the petitioner submitted a detailed explanation to the 2nd respondent, without considering the same and without conducting any enquiry, the 2nd respondent vide order dated 10.03.2015 cancelled the authorization of the petitioner. Aggrieved by the same, the petitioner filed an appeal before the 4th respondent, who in turn vide order dated 29.08.2015 disposed of the appeal remanding the matter to the 2nd respondent directing him to conduct enquiry afresh and pass appropriate orders as per law. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submitted that the 4th respondent, instead of setting aside the order of the 2nd respondent, remanded the matter for conducting enquiry afresh and passing of appropriate orders. He further submitted that though the fourth respondent passed the order as long back as on 29.08.2015, no enquiry has been conducted and no orders have been passed till date. The learned counsel had places reliance on the order dated 16.09.2014 passed by this Court in W.P.No;.26296 of 2014 and

submits that till the disposal of the proceedings by the 2nd respondent the petitioner may be supplied stocks for distribution of the same to the cardholders.

On the other hand the learned Government Pleader submitted that the 2nd respondent shall implement the order dated 29.08.2015 of the 4th respondent and shall pass appropriate orders within a time frame. The learned Government Pleader opposed the contention of the petitioner that the petitioner may be allowed to distribute the commodities to the cardholders in the interregnum period, as there is every possibility of alternative arrangement being made.

Having considered the rival submissions, I am of the view that since the 4th respondent himself had set aside the cancellation order passed by the 2nd respondent-Revenue Divisional Officer directing him to pass orders after conducting enquiry, no purpose would served in keeping the writ petition pending.

In view of the same, the writ petition is disposed of directing the 2nd respondent to complete the enquiry and pass appropriate orders in accordance with law within a period of four weeks from today. In the event no alternative arrangement is made, the petitioner shall be entitled to lift the stocks for distribution. However, it is made clear that if no orders are passed within the time stipulated, the petitioner shall be allowed to lift the stocks for distribution till the final orders are passed.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

29th February, 2016
J s.