

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.5323 of 2016

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Between:

Tatineni Karuna Sree

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies, A.P. Secretariat
Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

The order of the 2nd respondent dated 19.08.2015 in tagging the petitioner's fair price shop No.1 situated at A. Konduru Village and Mandal, Krishna District to one S. Mohan Rao, fair price shop dealer of Repudi Village is under challenge in this writ petition on the ground that the 2nd respondent has no jurisdiction to do so.

The writ petition is resisted by the learned Government Pleader on the ground that show cause notice has been already issued on 4.12.2015 by the Revenue Divisional Officer, who is the appointing authority, and in response to the said notice, explanation was also submitted by the petitioner. The learned Government Pleader also submits that interest of justice would be served if a direction is issued to the Revenue Divisional Officer to complete the enquiry and to pass appropriate orders on merits, particularly, considering the deviations in stock as reported by the 2nd respondent and as is evident from the show cause notice.

Having considered the rival submissions and in the light of the judgment of this Court reported in **Y. Gopal and others v. Joint Collector, Anantapur and others**^[1] I am of the opinion that the action of the 2nd respondent insofar as tagging the petitioner's fair price shop to another dealer is ultra vires and impermissible.

In that view of the matter, the order of the 2nd respondent to the extent of tagging of the petitioner's shop No.1 situated at A. Konduru Village and Mandal, Krishna District to one S. Mohan Rao, fair price shop dealer of Repudi Village is set aside. Considering the fact that the petitioner had already submitted his explanation to the show cause notice dated 4.12.2015, the Revenue Divisional Officer is directed to

complete the enquiry as expeditiously as possible, at any rate, within a period of six weeks from today. Inasmuch as the authorization in favour of the petitioner is neither suspended nor cancelled as on today, the petitioner shall be entitled to carry on distribution of essential commodities in terms of the authorization granted in his favour.

With the above direction, the writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

23rd March, 2016
Js.

[\[1\]](#) 2013 (4) ALT 664