

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35740 of 2016

ORDER:

Heard counsel for petitioner and the Assistant Government Pleader.

2. The petitioner, a fair price shop dealer, challenges the proceeding dated 03.10.2016 canceling her authorization.

3. I am not proposing to refer to the challenge of petitioner to the proceeding impugned on factual grounds. The legal objection raised by petitioner is that the proceeding dated 03.10.2016 is not consistent with CCS.Memo.No.21/100/2015-AD1.PP-CCS dated 28.09.2015, which was issued pursuant to the directions issued by this Court in G. DURGA SRINIVAS RAO v. STATE OF ANDHRA PRADESH¹.

4. With the assistance of counsel appearing for the parties, I have perused the proceeding dated 03.10.2016.

5. The Assistant Government Pleader, appearing for respondents, submits that having regard to inherent infirmity in the proceeding impugned in this writ petition and also that the memo issued by the Government is not followed in letter and spirit by third respondent, he submits that the proceeding impugned in the writ petition can be set aside and matter be remitted to third respondent for disposal in accordance with law.

¹ 2015 (6) ALD 359

6. The statement is placed on record. The proceeding dated 03.10.2016 is set aside, matter remitted to third respondent for disposal strictly in accordance with the guidelines issued by this Court in G. DURGA SRINIVAS RAO's case (1 Supra) read with memo dated 28.09.2015. The said exercise shall be completed within four (4) weeks from today.

The writ petition is allowed. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

October 24, 2016
DSK

S. V. BHATT, J

