

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.10190 of 2016

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Between:

J. Nagabhushana

PETITIONERS

AND

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

RESPONDENTS

ORDER:

This writ petition is filed questioning the action of the respondents in trying to terminate the petitioner's fair price shop dealership licence without issuing any notice and opportunity to the petitioner.

The grievance of the petitioner is that the respondents neither suspended nor cancelled the fair price shop authorization granted in his favour in respect of Shop NO.37 of Gollapalli Village, Gummagatta Mandal, Anantapur District, and as such, he is entitled to distribute the essential commodities. Hence the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner submitted Demand Draft dated 18.03.2016 for issuance of essential commodities for the month of April, 2016, and the respondents have issued essential commodities to the petitioner on 25.03.2016, but the entire stocks were taken away under the instructions of the 5th respondent.

When the matter came up for admission, learned Government Pleader for Civil Supplies produced a copy of the order dated 8.03.2016 passed by the 4th respondent-Revenue Divisional Officer, Kalyandurg, suspending the authorization held by the petitioner.

Learned counsel for the petitioner submits that as on the date of filing of writ petition on 28.03.2016 no suspension order has been served on the petitioner and the same appears to have been served on the petitioner on 29.03.2016.

I find force in the contention of the learned counsel for the petitioner for the reason that if there is any suspension order as on 8.03.2016 the question of respondents accepting the D.D dated 18.03.2016 and further issuing commodities on 25.03.2016 would not

have arisen. As this court has come to a conclusion that the suspension order dated 8.03.2016 appears to be back dated no credence can be given to the same.

In that view of the matter, the suspension order dated 8.03.2016 appears to have been passed with back date, the same is set aside, and the petitioner shall be issued essential commodities for the month of April, 2016 and allow him to distribute the same. However, allowing of this writ petition on the limited ground shall not be construed as preventing the authorities to take action in accordance with law.

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

CHALLA KODANDA RAM, J.

31st March, 2016
Js.