

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17460 OF 2016

ORDER :

The petitioner challenges the order dated 30.03.2016 of the 3rd respondent, whereby her authorization for fair price shop No.10 of Puthramadi Village, Irala Mandal has been cancelled.

The petitioner was also issued a show cause notice on 20.07.2015 alleging that there is variation in PDS rice and AAY rice, for which, she has submitted her explanation denying all allegations levelled against her.

Learned counsel for the petitioner submits that the Control Order itself permits a variation of 1.5% in the stock and in the present case, as per the stock register, out of 50.24 quintals of rice allotted in favour of the petitioner, there is variation of 0.67 kgs. of rice.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) submits that the petitioner instead of approaching this Court ought to have availed the remedy of Appeal before the Joint Collector.

From the explanation offered by the petitioner, it is clear that by the date of inspection, she is yet to distribute the essential commodities to about 15 card holders and if the same is taken into consideration, there would not be any variation in the stock at all. This aspect of the matter has not been dealt with by the 3rd respondent. Further, even assuming that there is variation of 67 kgs. of rice and even if the explanation submitted by the petitioner that there were still 15 card holders to be distributed the commodities, were to be ignored, the variation in the stock available with the petitioner is within the permissible limits. In those circumstances, the order of the 3rd respondent cancelling the authorization of the petitioner is not at all sustainable and hence, it is liable to be set aside.

The Writ Petition is therefore, allowed, setting aside the order

dated 30.03.2016 and the 3rd respondent is directed to restore the authorization of the petitioner forthwith. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

06th June 2016

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