

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 24602 OF 2024

Between:

Donthi Reddy Laxmareddy, S/o. Late Donthi Venkat ramreddy, Aged 58, Occ.
Private Employee, R/o. 5- 47/5, Chandanagar, Near Geetha Theater,
Lingampally, Hyderabad, Telangana, 500 090.

...PETITIONER

AND

1. The State of Telangana, Rep By Principal Secretary, Civil Supplies Department, rep its Secretariat, T. S.
2. The District Collector, Ranga Reddy, Ranga Reddy District.
3. The Chief Rationing Officer, Ranga Reddy, Ranga Reddy District.
4. The District Civil Supply Officer, Ranga Reddy, Ranga Reddy District.
5. The Assistant Civil Supply Officer, Saroornagar Circle, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents more particularly respondent no. 4, having issued proceeding No. A5/404/2020, dated 13.10.2020, temporarily suspending authorization of fair price shop (1581065), requesting respondent no. 5 to tag the FSC cards to the nearest shop, as petitioner have contravened the provisions of TS PDS (Control) order, 2016, i.e., is involved in criminal case, consequently in suspending respondent no. 4 directing respondent no 5 to tag FSC cards to an another fair shop authorized and the actions of the respondents herein as being illegal, arbitrary, unconstitutional and violative of Articles 14, 21 and 300- A of the Constitution of

India and consequently to direct the respondents to desist from interfering with the peaceful possession and enjoyment of petitioners over their lands in the interest of Justice.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay on proceedings carried out by respondent no. 5, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI C.V.SRINATH

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.24602 OF 2024

ORDER

In this Writ Petition, the petitioner is seeking a Writ of Mandamus to declare the action of the respondents in issuing the proceedings No.A5/404/2020 dt.13.10.2020 temporarily suspending the authorisation of the fair price shop No.1581065 on the ground that the petitioner is involved in a criminal case and tagging over the fair price shop of the petitioner to nearby shop, as illegal and arbitrary and consequently to direct the respondents to restore his authorisation and to pass such other order or orders.

2. Learned counsel for the petitioner submitted that the petitioner has been given authorisation for fair price shop No.1581065 in the year 1987 and the petitioner has been running the said shop without any complaints so far. It is submitted that an FIR was registered against the petitioner in FIR No.592/2020 under Section 302, 365 IPC, etc., on the file of Gachibowli Police Station, which is numbered as Criminal case in S.C.No.5 of 2023. It is submitted that as the petitioner is accused therein

and on the ground that a criminal case is filed against the petitioner, the application of the petitioner for renewal of the authorisation has not been considered and the authorisation has been suspended by the impugned order. He submits that the criminal case against the petitioner is not under the provisions of the Essential Commodities Act and it is only an allegation against the petitioner on his personal account and therefore, the same should not be considered as an impediment to continue his dealership. He placed reliance upon the decision of this Court dt.22.02.2024 in W.P.No.2988 of 2024 in support of his contentions.

3. Learned Government Pleader for Civil Supplies has relied upon the averments made in the counter affidavit filed by respondent No.4 and it is stated that the petitioner is involved in a criminal case and therefore, his licence has been suspended. The respondents have relied upon the provisions of the Telangana Government Public Distribution (Control) Order, 2016 and Clause 4(5) in Annexure-I thereunder for suspension of the authorisation.

4. Having regard to the rival contentions and the material on record, this Court finds that the respondents have suspended the authorisation of

the petitioner on the ground of his involvement in the criminal case under IPC and not under the Essential Commodities Act or any other similar law. In this case, the petitioner is an accused in FIR No.592 of 2020 of Gachibowli Police Station in his personal capacity and unless he is found to have indulged in the mismanagement of his fair price shop dealership, the respondents could not have taken action under the Essential Commodities Act. This view has already been expressed by this Court in W.P.No.2988 of 2024 *vide* order dt.22.02.2024.

5. Therefore, the impugned order dt.13.10.2020 is set aside and the respondents are directed to restore the authorisation of the dealership of fair price shop No.1581065 of the petitioner and also consider the renewal of the licence of the petitioner in accordance with law.

6. The Writ Petition is accordingly disposed of. No order as to costs.

7. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

SD/-K. SREE RAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, Secretariat, T. S.
2. The District Collector, Ranga Reddy, Ranga Reddy District.
3. The Chief Rationing Officer, Ranga Reddy, Ranga Reddy District.
4. The District Civil Supply Officer, Ranga Reddy, Ranga Reddy District.
5. The Assistant Civil Supply Officer, Saroomagar Circle, Ranga Reddy District.
6. One CC to SRI C.V.SRINATH, Advocate [OPUC]
7. Two CCs to GP FOR CIVIL SUPPLIES, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

HIGH COURT

DATED: 18/11/2024

ORDER

WP.No.24602 of 2024



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

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