APHC010500532026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 27254/2026

Between:

1. VANGARA NAGARAJU, S/O VENKATESWARLU AGE 41 YEARS, OCC FP SHOP DEALER FOR SHOP NO.0750004, GULLAPALLI VILLAGE CHERUKUPALLI MANDAL, BAPATLA DIST.-522309

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPLE SECRETARY CIVIL SUPPLIES DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DIST.522237.
2. THE COLLECTOR CS, BAPTLA DIST., AT BAPTLA.-522101.
3. THE REVENUE DIVISIONAL OFFICER, REPALLE DIVISION, BAPTLA DIST.-522265.
4. THE TAHSILDAR, CHERUKUPALLI MANDAL, BATLA DIST. 522309.
5. SMT AKURATHI MALATHI, W/O SUBRAHMANYAM FP SHOP DEALER/MEMBER OF AMARESWARI SWAYA SANGHANN GROUP R/O D.NO.2-305/4 SIVALAYAM COLONY, 2 ND LANE, GUILAPALLI VILLAGE, CHERUKUPALLI MANDAL, BAPATLA DIST.-522309

...RESPONDENT(S):

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 toissue Writ Order or Orders or a Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not concluding the enquiry within stipulated period of 90 days and continuing to place the petitioner under suspension for indefinite time vide Rc.No.1455/2026/C dt 9-1-2026 in respect of the FP Shop No.0750004, Gullapalli Village, Cherukupalli Mandal, Bapatla Dist., without following the procedure as contemplated under AP State Targeted Public Distribution System (Control) Order, 2018 and consequently revoke the suspension order dt 9-1-2026 by directing the respondents to release Essential Commodities in favour of the petitioner as usual

IA NO: 1 OF 2026

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 Suspend the impugned order passed by the 3rd respondent vide Rc.No.1455/2026/C dt:9-1-2026 in respect of FP Shop No.0750004, Gullapalli Village, Cherukupalli Mandal, Bapatla Dist., by continuing the petitioner as dealer as usual, pending disposal of the writ petition

Counsel for the Petitioner:

1. M M M SRINIVASA RAO

Counsel for the Respondent(S):

1. GP FOR CIVIL SUPPLIES

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SREENIVASA REDDY

WRIT PETITION NO: 27254 OF 2026

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

> *"in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ Order or Orders or a Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not concluding the enquiry within stipulated period of 90 days and continuing to place the petitioner under suspension for indefinite time vide Rc.No.1455/2026/C dt 9-1-2026 in respect of the FP Shop No.0750004, Gullapalli Village, Cherukupalli Mandal, Bapatla Dist., without following the procedure as contemplated under AP State Targeted Public Distribution System (Control) Order, 2018 and consequently revoke the suspension order dt 9-1-2026 by directing the respondents to release Essential Commodities in favour of the petitioner as usual"*

2. Heard the learned counsel for petitioner and the learned Assistant Government Pleader for Civil Supplies for respondent Nos.1 to 4. Though notice has been served on the Respondent No.5 / Temporary dealer on 01.10.2026, there is no representation on her behalf.

3. The petitioner was appointed as permanent dealer for Fair Price Shop No.0750004, Gullapalli, Village, Cherukupalli Mandal, Bapatla District in the year 2010 and the said license was valid upto 31.03.2026. 3rd respondent Authority suspended the authorization of the petitioner vide Rc.No.30/2025-C dated 01.02.2025 on the allegation of transportation of PDS rice. Revenue Inspector (Civil Supplies), Amarthaluru Mandal, along with his sub-ordinates, inspected the Fair Price Shop of the petitioner on 28.12.2025 and allegedly found variation of 102 Kgs of PDS rice and initiated disciplinary proceedings by issuing show-cause notice on 31.12.2025, for which the petitioner submitted an explanation. Pending enquiry, by proceedings issued by 3rd respondent authority vide Rc.No.1455/2026/C dated 09.01.2026, the petitioner's authorization was placed under suspension till completion of the enquiry.

4. Learned counsel for the petitioner submits that as per Regulation 8(4)(2) of the Andhra Pradesh Targeted Public Distribution System (Control) Order, 2018 (for short 'the Control Order'), the appointing authority shall dispose the disciplinary case filed against the fair price shop dealers as early as possible,

preferably within a period of three (3) months from the date of notice, keeping in view of the convenience of the cardholders and for smooth functioning of Targeted Public Distribution System. Regulation 8(5) of the Control Order prescribes that the appointing authority/disciplinary authority shall make an alternative arrangement to distribute the commodities to the cardholders. The second limb of Clause 8(5) prescribes that the alternative arrangement should be up to a period of three months or till vacancy is filled, whichever is earlier.

5. Thus, the legislature, in its wisdom, fixed three months to complete the enquiry vis-à-vis disciplinary cases filed against Fair Price Shop Dealers. In fact, the appointment of the temporary dealers is also for three months or until the vacancy is filled, whichever is earlier.

6. In the case on hand, a show cause notice was issued on 31.12.2025. However, so far, the enquiry has not been completed.

7. When the Court posed a question regarding the stage of enquiry, the learned Assistant Government Pleader submitted that the authority will complete the enquiry within four weeks. When the

Control Order stipulated a time period to complete the enquiry and for the failure on the part of the authority to complete the inquiry within the time stipulated, the petitioner shall not be penalised.

8. A Co-ordinate Bench of this Court in W.P.No.15912 of 2026, W.P.No.36616 of 2025 and W.P.No.14770 of 2026, in identical situations, where an enquiry was not completed within the time stipulated, set aside the proceedings impugned therein and directed the authority to conclude the enquiry.

9. In the case on hand, also, as stated *supra*, despite the time fixed, the appointing authority, 3rd respondent, failed to conclude the enquiry within the time stipulated. Therefore, this Court deems it appropriate to set aside the impugned proceedings.

10. Accordingly, the impugned proceedings issued by 3rd respondent authority vide Rc.No.1455/2026/C, dated 09.01.2026 are set aside. 3rd respondent shall conclude the enquiry as expeditiously as possible by following the procedure prescribed under the Control Order or any other Rules in vogue. Till such time, 3rd respondent shall allow the petitioner to continue as Fair Price Shop Dealer in respect of F.P. No.0750004, Gullapalli Village, Cherukupalli Mandal,

Bapatla District and also allow the petitioner to distribute the commodities to the cardholders.

11. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs of the Writ Petition.

As a sequel, interlocutory applications pending if any, shall stand closed.

K.SREENIVASA REDDY, J

Date: 27.10.2026.
DRNR/PAB

THE HONOURABLE SRI JUSTICE K.SREENIVASA REDDY

WRIT PETITION NO.27254/2026

DATE: 27.10.2026

DRNR/PAB