

APHC010067872025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 3582/2025

Between:

1.BAGU DASARADA RAO, S/O. LATE DALAYYA, AGED ABOUT 54 YEARS, OCC. FAIR SHOP DEALER, R/O. PEDDAPADU VILLAGE, SRIKAKULAM MANDAL SRIKAKULAM DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, CIVIL SUPPLIES DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2.THE REVENUE DIVISIONAL OFFICER, SRIKAKULAM DIVISION, SRIKAKULAM DISTRICT.

3.THE TAHSILDAR, SRIKAKULAM MANDAL, SRIKAKULAM DISTRICT.

...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 to issue a Writ or direction more particularly in the nature of Writ of Mandamus declaring the action of 2nd respondent passed order Rc.No. 82/2025, dated 04.02.2025 with regard to suspension of the petitioner fair price shop No. 0119001 situated at Peddapadu Village, Srikakulam Mandal, Srikakulam District without considering the explanation is illegal, arbitrary and violation of principles of natural justice and violation of articles 14, 19(1)(g) and 21 of the Constitution of India and consequently set aside the same and directed to respondents to permit the petitioner to continue as Dealer in Fair

Shop No. 0119001 situated at Peddapadu Village, Srikakulam Mandal, Srikakulam District by supplying Essential Commodities and to pass such

IA NO: 1 OF 2025

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

Counsel for the Petitioner:

1. SRINIVAS AMBATI

Counsel for the Respondent(S):

1. GP FOR CIVIL SUPPLIES

The Court made the following order:

The present writ petition is filed challenging the proceedings vide Rc.No.82/2025 dated 04.02.2025 issued by the 2nd respondent (RDO) wherein the petitioner's authorization as Fair Price Shop dealer for Shop No.0119001 situated in Peddapadu Village, Srikakulam Mandal and District, was suspended without conducting enquiry and without following the procedure as contemplated under A.P.State Targeted Public Distribution System (control) order, 2018.

2. Heard Sri Srinivas Ambati, learned counsel for the petitioner and Sri Appasani Vineeth, learned Assistant Government Pleader for Civil Supplies for the respondents.

3. Learned counsel for the petitioner while re-iterating the contents of the affidavit contended that, a show cause notice was issued to the petitioner dated 20.01.2025 on the alleged ground of irregularities in distribution of

essential commodities to the cardholders. He further submitted that, the petitioner has submitted an explanation on 23.01.2025 but the 2nd respondent(RDO), however, without considering the said explanation and without conducting any enquiry, has issued impugned order dated 04.02.2025 suspending the petitioner's authorization for subject fair price shop. He further submitted that, this court, by way of interim order dated 10.03.2025, has protected the interest of the petitioner and by virtue of the said interim orders, the petitioner is running the fair price shop. As such prayed to dispose of the writ petition by treating the interim order as final order.

4. On the other hand, learned Assistant Government Pleader for Civil Supplies while justifying the orders of the 2nd respondent submitted that there is neither illegality nor procedural irregularity in passing impugned order. He further submitted that, in order to protect the interest of the cardholder, the impugned order has been issued and further submitted that, in the event if this court inclines to interfere, a liberty may be given to the authority concerned to conclude the enquiry in stipulated period in accordance with law.

5. Perused the record and considered the submissions made by the learned counsel for the parties.

6. The petitioner is a fair price shop dealer of Shop No.0119001 situated in Pedapadu Village, Srikakulam Mandal and District. On the alleged ground of irregularities in distribution of essential commodities to the cardholders, a

show cause notice dated 20.01.2025 was issued to the petitioner asking to submit explanation by framing charges and the petitioner has submitted explanation on 23.01.2025. Now, the contention of the petitioner is that, the respondent authorities, without considering the said explanation and without conducting an enquiry, issued the impugned order dated 04.02.2025 suspending the petitioner's authorization for subject fair price shop.

7. However, the provisions of the Andhra Pradesh Targeted Public Distribution System (Control) Order, 2018, stipulates that the enquiry has to be conducted preferably within a period of three (03) months. It is brought to the notice of this Court that, so far, no enquiry was conducted. In view of the said circumstances, without going into the merits of the case, this Court is inclined to dispose of the writ petition with the following direction:

“The authorities shall conclude the enquiry at the earliest. Till conclusion of the enquiry by the authorities, the interim order passed by this court on 10.03.2025 shall continue.”

Accordingly, the Writ Petition is ***disposed of***. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI