



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

[3332]

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 4094/2026

Between:

1.K. UMA MAHESWARAMMA, W/O K. CHANDRA REDDY, 46 YEARS, SHOP NO.1318014, OCC FAIR PRICE SHOP DEALER KONGANAPADU VILLAGE, KALLUR MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, CIVIL SUPPLIES DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI.522241.

2.THE COLLECTOR CS/JOINT COLLECTOR AND ADDITIONAL DISTRICT MAGISTRATE, KURNOOL, KURNOOL DISTRICT.518002.

3.THE REVENUE DIVISIONAL OFFICER, KURNOOL, KURNOOL DISTRICT. 518002.

4.THE TAHSILDAR, KALLUR MANDAL, KURNOOL DISTRICT.518001.

5.GUVVALA GIDDAIAH, S/O GIDDAIAH, 50 YEARS. FAIR PRICE SHOP DEALER, THADAKANAPALLI VILLAGE, KALLUR MANDAL, KURNOOL DISTRICT.518218.

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not granting the stay on the appeal filed by me questioning the Proceedings Rc.DT(LR) 27/2026 dated 27.01.2026 issued by the 3rd respondent in suspending the Fair Price Shop Authorization of the petitioner in Shop No.1318014, Konganapadu Village, Kallur Mandal, Kurnool District as illegal, improper, unjust arbitrary, colorable exercise of power, without considering the written explanation, without following the procedure and contrary to Andhra Pradesh State Targeted Public Distribution System (Control) order, 2018 and further direct the respondents to permit the petitioner to distribute the essential commodities to the card holders and pass

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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 stay the proceedings Rc.DT(LR) 27/2026 dated 27.01.2026 issued by the respondent duly permitting the petitioner to run the Fair Price Shop No. No.1318014, Konganapadu Village, Kallur Mandal, Kurnool District pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. MAHADEVA KANTHRIGALA

Counsel for the Respondent(S):

1. DHULIPUDI VEERA RATNA HARSHITHA

2. GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

To declare the action of the 2nd respondent in not granting the stay on the appeal filed by the petitioner questioning the proceedings dated 27.01.2026 issued by the 3rd respondent *vide* Rc.DT(LR) 27/2026 suspending the petitioner's authorization in respect of Fair Price Shop No.1318014, Konganapadu Village, Kallur Mandal, Kurnool District, as illegal and arbitrary, the present writ petition is filed.

2. Heard Sri Mahadeva Kanthrigala, learned counsel for the petitioner and Sri Appasani Vineeth, learned Assistant Government Pleader for Civil Supplies.

3. Learned counsel for the petitioner while reiterating the contents of the writ affidavit would contend that the authorities, based on the report submitted by the 4th respondent-Tahsildar dated 09.01.2026, alleging variations in the ground balance of commodities found during inspection of the Fair Price shop, the 3rd respondent-Revenue Divisional Officer issued show cause notice dated 13.01.2026, for which the petitioner submitted explanation dated 17.01.2026, however, the authorities, without considering the explanation, in a mechanical way, suspended the authorization of the petitioner *vide* proceedings dated 27.01.2026 without giving reasons.

He further submitted that aggrieved by the said order of suspension, the petitioner preferred an appeal before the 2nd respondent-Joint Collector along with stay application. Despite receiving the same, the 2nd respondent has not passed any orders on the same. He further submitted that if the impugned suspension order is passed in violation of the orders passed by this Court in ***K.Prabhavathi vs. State of A.P.***¹, therefore, the same is liable to be set aside. Accordingly, prayed to allow the writ petition.

4. Sri Appasani Vineeth, learned Assistant Government Pleader, justified the impugned order of suspension contending that as the authorities found variation in ground balance of commodities, suspended the Fair Price shop authorization of the petitioner, pending final enquiry, after following the procedure contemplated under law. He would further contend that there is no appeal provision against the suspension order, as such, the petitioner cannot file fault with the authorities. The writ petition being meritless deserves dismissal. Accordingly, prayed to dismiss the writ petition.

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

6. The petitioner's Fair Price shop dealership authorization was suspended pending enquiry. It is fairly conceded by the learned Assistant Government Pleader that enquiry had not been completed so far. The

¹ 2020(6) ALD 209

contention of the petitioner is that the impugned suspension order was issued without issuing cogent reasons. The other ground that has been raised by the petitioner is that despite receiving the appeal along with stay petition, the 2nd respondent is not granting stay in the appeal.

7. In the above said background, Clause 24 of Control Order, 2018 is relevant which deals with appeals which reads as follows:

“24. Appeal

Fair Price Shops:

a. *The Collector (Civil Supplies) of the districts in the State shall act an appellate authority for exercising the powers conferred upon and discharging the functions assigned to him/her under this Order.*

Provided that appeal pending before the appellate authority appointed under the Andhra Pradesh State Public Distribution System (Control) Order, 2008 shall be disposed of by such authority as if this Order had not been made;

b. *Any fair price shop dealer aggrieved by an order of the appointing authority concerned denying the issue or renewal of authorization (License) to fair price shop dealer or cancellation of the authorization (License) may appeal to [Collector (Civil Supplies)], the appellate authority, within thirty (30) days of the date of receipt of the order and appellate authority shall, as far as practicable dispose of the appeal within a period of sixty (60) days;*

Provided that, once an appeal has been disposed of by the appellate authority, the time for issue or renewal of the authorization (License) of the fair price shop dealer by the appointing authority concerned shall begin from the date of the decision of the appellate authority on appeal.

c. *No appeal shall be disposed of by the appellate authorities unless the aggrieved person has been given a reasonable opportunity of being heard.*

d. *Pending disposal of an appeal, the appellate authority concerned may direct that the order under appeal shall not take effect until the appeal is disposed of.*

[e. Any person aggrieved by the orders of the appellate authority may file Revision before the District Collector of the district.

Any person aggrieved by the orders of the 1st Revisionary Authority may file Revision before the Government]

8. As rightly contended by the learned Assistant Government Pleader for Civil Supplies, an appeal does not lie against the suspension order and the appeal lies only against cancellation or issuing or renewal of authorization of fair price shop dealer, before the Collector (Civil Supplies).

9. In this regard, there are certain guidelines framed for dealing the cases on alleged grounds of irregularities committed by the fair price shop dealers *vide* C.C.Memo.No.21/100/2015-ADI.PP-CCS dated 28.09.2015. The said guidelines have been framed by duly taking into consideration the judgments of this Court in W.P.No.30126 of 2014 & batch.

10. Clause (h) of the said guidelines is appropriate for the present case and for quick reference, the same is extracted hereunder:

“h. The power of suspension under clause 5(5) of the Control Order includes the power to suspend the authorization pending enquiry and no show cause notice is necessary before exercising such power.”

11. As per the above said provisions and the guidelines framed in the said circular, without issuing any show cause notice, the appointing authority can suspend the dealership of a dealer, pending enquiry, to protect the interest of the cardholders, by recording the reasons for such suspension. In the present case, as per the above said provision, the authority has suspended the petitioner's dealership by recording the reasons that there is a *prima facie* evidence that the dealer/petitioner has

contravened the provisions of Control Order, 2018 by committing irregularities (variations in stocks) and thereby issued the impugned order, as such, this Court find no irregularity or impropriety in issuing the said impugned order and hence, the impugned order needs no interference of this Court. In such circumstances, issuing a direction to the Joint Collector to pass orders on the petitioner's appeal does not arise.

12. However, the Control Order, 2018, stipulates that enquiry has to be conducted preferably within a period of three (03) months and it is brought to the notice of this Court that, so far, no enquiry officer was appointed. In view of the said circumstances, to meet the ends of justice, this Court is inclined to dispose of the writ petition directing the respondent authority concerned to conclude the enquiry within stipulated period as per the Clause 8(4)(2) of the Andhra Pradesh Targeted Public Distribution System (Control) Order, 2018, from the date of receipt of a copy of this order else the order of suspension dated 27.01.2026 shall be revoked."

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

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

JUSTICE RAVI CHEEMALAPATI

Date: 12th February, 2026

RKS