



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

[3332]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 4167/2026

Between:

1. SRI YEDDIPENTE RAMA CHANDRUDU,, S/O K. RAMANJANEYULU, AGED ABOUT 46 YEARS, OCC FAIR PRICE SHOP DEALER, SHOP NO. 1328116, R/O SANGALA VILLAGE, KRISHNAGIRI MANDAL, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, CONSUMER AFFAIRS, FOOD AND CIVIL SUPPLIES DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.-522237

2. THE DISTRICT COLLECTOR CIVIL SUPPLIES, KURNOOL DISTRICT, KURNOOL.-518002

3. THE REVENUE DIVISIONAL OFFICER, PATTIKONDA DIVISION, KURNOOL DISTRICT.-518380

4. THE TAHSILDAR, KRISHNAGIRI MANDAL, KURNOOL DISTRICT.-518225

...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 nature of Writ of Mandamus declaring the proceedings Rc.G.820/2025 dated 29.12.2025 passed by the 3rd Respondent (Revenue Divisional Officer, Pattikonda) cancelling the authorization of the Petitioner for Fair Price Shop No. 1328116, Sangala Village, Krishnagiri Mandal, as illegal, arbitrary, without jurisdiction, violative of Principles of Natural Justice and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and contrary to the provisions of the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 and consequently direct the Respondents set aside the impugned proceedings dated 29.12.2025

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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 suspend the operation of the impugned proceedings Rc.G.820/2025 dated 29.12.2025 passed by the 3rd Respondent and direct the Respondents to continue to supply Essential Commodities to the Petitioner for distribution to the cardholders of F.P. Shop No. 1328116, Sangala Village, Krishnagiri Mandal, Kurnool District pending disposal of the Writ Petition

Counsel for the Petitioner:

1. AYESHA AZMA S

Counsel for the Respondent(S):

1. GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The case of the petitioner is that he was appointed as a dealer of Fair Price Shop No.1328116 of Sangala Village, Krishnagiri Mandal, Kurnool District and discharging his duties as dealer by supplying the commodities to the cardholders to the satisfaction of the officials and the cardholders. While so, on 07.10.2025, the Deputy Tahsildar (CS) and the Mandal Revenue Inspector inspected the petitioner's shop and submitted a report to the 3rd respondent. Basing on the said report, the Revenue Divisional Officer (the 3rd respondent herein) issued show cause notice dated 11.11.2025 framing four charges. For the said notice, the petitioner submitted his explanation. However, the 3rd respondent, without giving any findings on the said explanation and without conducting any enquiry, cancelled the authorization of the petitioner by order dated 29.12.2025. Challenging the same, the present writ petition is filed.

2. Heard Ms Ayesha Azma, 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 reiterating the contents of the affidavit, contended that without considering the explanation submitted by the petitioner to the show cause notice and without following law, the petitioner's authorization has been cancelled *vide* proceedings dated 29.12.2025. The sole basis for initiating enquiry is that

some complaints were said to have been received from the complainants, but none of the complainants were examined, nor was the report relied upon by the 3rd respondent while passing the impugned order supplied to the petitioner along with show cause notice. He further contended that the punishment is a major penalty, wherein the authorization of the petitioner has been cancelled, for which an enquiry has to be conducted by examining the complainants and by giving an opportunity to the petitioner to cross-examine them. Further, the authority concerned has to supply the report of the Tahsildar along with show cause notice while inviting explanation from the petitioner, but the same has been miserably failed while adjudicating the petitioner's case, which amounts to violation of principles of natural justice. In view of the same, the impugned order has to be set aside and accordingly prayed to set aside the same and pass appropriate orders.

4. On the other hand, learned Assistant Government Pleader for Civil Supplies while justifying the impugned orders passed by the 3rd respondent-Revenue Divisional Officer, on instructions contended that there is neither illegality nor procedural irregularity while passing the orders impugned. He further submitted that the order impugned was passed after following due procedure by issuing show cause notice dated 11.11.2025 and by considering the explanation submitted by the petitioner on 15.11.2025. In the said circumstances, the petitioner cannot

say that fair opportunity was not given to him. The writ petition is devoid of merits and is liable to be dismissed and accordingly prayed to dismiss the writ petition.

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

6. A reading of the impugned orders of the 3rd respondent-Revenue Divisional Officer, Pattikonda, dated 29.12.2025, would indicate that the Tahsildar has submitted a report on 12.10.2025 and further that complaints were said to have been given by the complainants. Having found *prima facie* material, disciplinary action has been initiated against the petitioner and accordingly a show cause notice was issued, for which the petitioner submitted his explanation on 15.11.2025.

7. As stated *supra*, there are complainants in the present case, but the authorities have not examined those complainants. Further, the report of the Tahsildar *vide* Rc.B.380/2025 dated 12.10.2025, which was referred in the orders impugned, was also not supplied to the petitioner along with the show cause notice.

8. As could be culled out from the facts and circumstances of the case, the authority concerned failed to adhere to the fundamental principles of enquiry while passing the orders impugned. No doubt, the enquiry need not be elaborate as in case of a disciplinary proceedings

against a Government servant, but it shall follow the basic requirements of enquiry, which, in the opinion of this Court, must be as described infra. Further, an enquiry presupposes an opportunity of personal hearing, including recording the sworn statement of the dealer and witnesses, if any. In cases where either cardholders or other persons send any complaints, they must also be examined in the presence of the dealer and also an opportunity of cross-examination shall also be given to the dealer with regard to such persons. Further, as stated above, the concerned authority has to supply all the reports to the dealer which he is likely to rely upon to the detriment of the dealer.

9. In the present case, while cancelling the authorization of the petitioner, the 3rd respondent-RDO has relied on the report of the Tahsildar, which was not at all supplied to the petitioner herein. The sworn statement of the dealer was not recorded and further, though the petitioner denied variation of stock, the mediators said to have been present at the time of inspection were not examined so as to enable the petitioner to cross-examine them. Without adhering to such procedure, passing orders impugned in such a manner amounts to passing orders behind the back of the dealer.

10. This Court in **B.Manjula vs. District Collector, Civil Supplies, Kurnool and others**¹, observed as extracted hereunder:

“9. This Court is conscious of the fact that the law discussed above was laid down by the Courts in the context of disciplinary proceedings against Government servants and it may not be possible to adhere to the same rigors of procedure in an enquiry against a fair price shop dealer. However, this Court is of the considered opinion that since an order of cancellation of fair price shop visits the dealer with adverse consequences, the appointing authority must adhere to the fundamental ingredients of an enquiry. The enquiry need not be too elaborate as in the case of a disciplinary proceeding against a Government servant, but it shall follow the basic requirement of an enquiry which in my view must be as described *infra*. 10. An „enquiry“ pre-supposes an opportunity of personal hearing to the dealer to explain his/her case based on the records such as sales and stock registers. If need be, such enquiry must also include recording the sworn statement of the dealer and witnesses, if any, from his/her side. In cases where either card holders or other persons sent any complaint, they must also be examined in the presence of the dealer or his/her lawyer and the dealer shall be given an opportunity of cross-examining such persons. The licensing /disciplinary authority shall also supply to the dealer all the reports on which he is likely to place reliance to the detriment of the dealer. Unless the dealer has no explanation at all to offer, the licensing/disciplinary authority is bound to hold a detailed enquiry. 11. The experience of this Court reveals that the appointing authorities of fair price shop dealers are dispensing with the requirement of making personal enquiry by summoning the dealers. They are merely relying upon the reports sent by their subordinates i.e., Deputy Tahsildars and Tahsildars, behind the back of the dealers and resting their decisions solely upon those reports. This procedure is anathema to the concept of enquiry which otherwise means affording the dealer an opportunity of a fair hearing”

11. Similarly, in **M.Kalyani v. District Collector, Prakasam District & Ors**² and in **M.Aruna v. District Collector & Ors**³ has also observed in

¹ 2015(4) ALT 572

² 2006(3) LS 191 DB

³ WP.No.29809 of 2013

similar lines. In view of the reasons stated and the judgments referred *supra*, the impugned order is wholly unsustainable and contrary to the basic procedure and also *Audi Alteram Partem* principle and liable to be set aside. As such, this Court is inclined to dispose of the writ petition by passing the following order:

12. The impugned proceedings dated 29.12.2025 is hereby set aside. The matter is remitted back to the Revenue Divisional Officer for conducting proper enquiry afresh as per law.

13. It is brought to the notice of this Court that authorities have already initiated temporary measure by arranging nearby fair price shop dealer of shop No.1328103, Yerukulacheruvu Village. In that view of the matter, the authorities are directed to conclude the enquiry within a period of two (02) months from the date of receipt of a copy of this order.

14. 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: 16th February, 2026
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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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