



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

[3332]

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 5496/2026

Between:

1. SRI. DASARI UMA MAHESWARI,, W/O DASARI
SATYANARAYANA AGE 42 YEARS, OCC FAIR PRICE SHOP
DEALER (F.P. SHOP NO. 0811051), MANGAPURAM VILLAGE,
UNGUTURU MANDAL, WEST GODAVARI DISTRICT-5334411

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, (CONSUMER AFFAIRS, FOOD AND
CIVIL SUPPLIES DEPARTMENT), SECRETARIAT BUILDINGS
AT VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH-
522238

2. THE DISTRICT COLLECTOR CIVIL SUPPLIES, AND
MAGISTRATE, ELURU, WEST GODAVARI DISTRICT-5534006

3. THE JOINT COLLECTOR, , ELURU, WEST GODAVARI
DISTRICT-534006

4. THE REVENUE DIVISIONAL OFFICER, KANIGIRI, ELURU
DISTRICT (FORMERLY WEST GODAVARI DISTRICT) ANDHRA
PRADESH-534006

5. THE TAHSILDAR, UNGUTUR MANDAL, ELURU DISTRICT
(FORMERLY WEST GODAVARI DISTRICT) ANDHRA

PRADESH-534006

6. THE FOOD INSPECTOR/ENFORCEMENT DEPUTY TAHSILDAR,
UNGUTUR MANDAL, ELURU DISTRICT, (FORMERLY WEST
GODAVARI DISTRICT)-534006

7. MAARISSETTI DURGA, W/O VENKATA RAO AGE NOT KNOWN,
OCC FAIR PRICE SHOP DEALER R/O PATHA SHOP
VELAMAPETA, NEAR SHIVALAYAM, OPPOSITE RAILWAY
GATE, NEW GOWDA PET, BADAMPUDI VILLAGE, UNGUTUR
MANDAL, ELURU 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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent i.e., the Revenue Divisional Officer, Eluru , issued proceedings Roc.no.96 /2026/A , dated 04-02-.2026 of the cancellation of dealership of Fair Price Shop No.0519009 , Badampudi Village, Unguturu a Mandal, Eluru District , without deciding the case there being any valid reason to the petitioner as illegal, arbitrary and violative of principles of natural justice and violative of Articles 14, 19(1)(g) of the Constitution of India and also violative of Andhra Pradesh State Targeted Public Distribution System (Control) Order 2018, violation of orders of the Honourable High Court in WA 139 of 2025 dt. 18.03.2025 and consequently direct the 3rd respondents to continue the petitioner as the Fair Price shop Dealer and to supply essential commodities to the petitioners. Fair Price Shop No.0519009 , Badampudi Village, Unguturu Mandal, Eluru District by setaside the impugned proceedings of 3rd respondent issuing impugned proceedings Roc.no.96 /2026/A , dated 04-02-.2026 and pass such

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 to direct the 3rd respondents to continue the petitioner as the Fair Price shop Dealer and to supply essential commodities to the petitioner's Fair Price Shop No.0519009 Badampudi Village, Unguturu

Mandal, Eluru District by set aside the impugned proceedings of 3rd respondent issuing impugned proceedings Roc.no.96 /2026/A , dated 04-02-.2026 pending disposal of the above writ petition and pass such

IA NO: 2 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 to vacate the Interim order dated 25.02.2026 passed in I.A.No.1 of 2026 in W.P. No.5496 of 2026 and dismiss the Writ Petition and pass

IA NO: 3 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 to Permit the Petitioner to amend the Cause title instead correct address as per her aadhar card. I respectfully submit that due to an inadvertent oversight in the cause title has been incorrectly stated as (F.P. Shop No. 0811051), Mangapuram Village instead of the correct address which is Fair Price Shop No.0519009, Badampudi Village and to pass

Counsel for the Petitioner:

1.KALLA TULASI DURGAMBA

Counsel for the Respondent(S):

1.DASAKA MURALI KRISHNA

2.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

Questioning the proceedings issued by the 3rd respondent *vide* Roc.No.96/2026/A dated 04.02.2026 cancelling the authorization of the petitioner in respect of Fair Price Shop No.0519009, Badampudi Village, Unguturu Mandal, Eluru, the present writ petition is filed.

2. Heard Ms.Kalla Tulasi Durgamba, 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 the petitioner's authorization has been cancelled *vide* proceedings dated 04.02.2026 without issuing show cause notice and without providing an opportunity of personal hearing/enquiry. She further submitted that as per Clause 8(4) of the Andhra Pradesh State Targeted Public Distribution System (Control), Order, 2018 (hereinafter referred to as 'Control Order, 2018'), prior notice is required to be issued to the dealer before cancelling his/her authorization. No such procedure has been followed by the respondents in the case of the petitioner. In view of the same, the impugned order has to be set aside, 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 contended that there is neither illegality nor procedural irregularity while passing the orders impugned. The writ petition is devoid of merits and liable to be dismissed, accordingly, prayed to dismiss the writ petition.

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

6. As could be culled out from the facts and circumstances of the case, the orders impugned has been passed without issuing any notice to the petitioner and the same is very glaring on the face of the record. A reading of the impugned order of the 3rd respondent-Revenue Divisional Officer, Eluru, *vide* Roc.No.96/2026/A dated 04.02.2026, would indicate that the Tahsildar, has submitted a report on 07.01.2026. Further, there are complainants in the present case and the authorities have not examined those complainants and no opportunity of personal hearing was also provided to the petitioner by issuing proper notice fixing time and date. Further, the report of the Tahsildar *vide* Roc.No.675/2025/(C.S) dated 07.01.2026 which was referred in the orders impugned was also not supplied to the petitioner.

7. In the present 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

requirement 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 small statement of the dealer and witnesses if any and in case where either cardholder or other persons send any complaint, they must also be examined in the presence of the dealer and also an opportunity of cross-examination was also be given to the such persons. Further, as stated above, the concerned authority, has to supply all the reports to the dealer, which he is likely to place reliance to the detriment of the dealer.

8. 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 and also the recording of the small statement of the dealer and witnesses was not done. Without adhering to such procedure, issuing orders in such a manner amounts to passing orders behind the back of the dealer.

9. 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

¹ 2015(4) ALT 572

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”

10. Similarly, in ***M.Kalyani v. District Collector, Prakasam District & Ors***² and in ***M.Aruna v. District Collector & Ors*** in W.P.No.29809 of 2013 has also observed in 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:

“The impugned order dated 04.02.2026 issued by the Revenue Divisional Officer, Eluru *vide* proceedings in Roc.No.96/2026/A is hereby

² 2006(3) LS 191 DB

set aside. However, the authorities are not precluded to take steps in accordance with law.”

11. 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: 29th April, 2026

RKS