

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

THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 6127 OF 2025

Between:

Banda Sivaranga Babu, S/o. Chennaiah, Aged about 70 years, Occ.
F.P. Shop Dealer, Shop No.0715046, R/o. Panidam Village,
Sattenapalli Mandal, Palnadu District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Civil Supplies Department, Velagapudi Secretariat Building, Amaravathi, Guntur District, Andhra Pradesh.
2. The Joint Collector (C.S.), Guntur District, Guntur.
3. The Revenue Divisional Officer, Sattenapalli Revenue Division, Sattenapalli, Palnadu District.
4. The Tahsildar, Sattenapalli Mandal, Palnadu District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the proceedings in Rc. No.1183/2019-S8, dated 06.12.2019 passed by the 2nd respondent (Presently 3rd respondent is the competent authority) whereunder suspended the authorization of the petitioner shop no. 0715046, Phanidam village, Sattenapalli Mandal, Palnadu District, is illegal, arbitrary and unconstitutional and against to the principles of natural



justice and contrary to the Control Orders and consequently directed the respondents 3 and 4 to permit the petitioner to distribute the essential commodities to the card holders.

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 to suspend the proceedings in Rc. No. 1183/2019-S8, dated 06.12.2019 passed by the 2nd respondent (Presently 3rd respondent is the competent authority) whereunder suspended the authorization of the petitioner shop no. 0715046, Phanidam village, Sattenapalli Mandal, Palnadu District, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. KOTI REDDY IDAMAKANTI

Counsel for the Respondent Nos. 1 to 4: GP FOR CIVIL SUPPLIES

The Court made the following: ORDER



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

[3459]

THURSDAY ,THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 6127/2025

Between:

Banda Sivaranga Babu

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.KOTI REDDY IDAMAKANTI

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a writ or order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the proceedings in Rc. No.1183/2019S8 dated 06.12.2019 passed by the 2nd respondent (Presently 3rd respondent is the competent authority) whereunder suspended the authorization of the petitioner’s shop No.0715046, Phanidam village, Sattenapalli Mandal, Palnadu District is illegal, arbitrary and unconstitutional and against to the principles of

natural justice and contrary to the Control Orders and consequently direct the respondents 3 and 4 to permit the petitioner to distribute the essential commodities to the card holders and to pass....

2. The petitioner is a permanent Fair Price Shop Dealer of Palnadu District. The 2nd respondent has issued two parallel proceedings; one for suspending the authorization of the petitioner's shop and another proceedings calling for the explanation from the petitioner. The petitioner has submitted his explanation on 09.12.2019. Though proceedings were issued suspending the authorization of the petitioner's shop, no steps were taken till date to complete the enquiry. The reasonable period to complete the enquiry would be three months, but in the present case the respondents have not completed the enquiry even after lapse of 5 years. Be that as it may the petitioner has made a representation on 21.01.2025 to complete the enquiry for restoring the authorization of the petitioner's shop. But the respondents have not taken any steps on the representation. Therefore, the petitioner was constrained to approach this Hon'ble Court by placing reliance on the judgment passed by this Court in **A.Neelima v. Joint Collector, Kurnool and others**¹, wherein a learned single Judge of this Court held at para No.13 as extracted hereunder:

"13. Nevertheless, the power of suspension pending enquiry being one which is exercisable by the Appointing authority pending enquiry into or in contemplation of the suspension or cancellation of the authorisation, the ratio laid down by the Apex Court with regard to the exercise of the said power as in the passage quoted above would apply with equal force to the Control Orders, subject matter of consideration in these proceedings. Though no time limit is prescribed during which the authorisation of a fair price shop dealer can be suspended in the Control orders, it must be held as declared by Supreme Court in the passage quoted above, that the period of 90 days is reasonable safeguard for limiting the period of suspension. During this period the

¹ 1996 (1) APLJ 266

Appointing authority is expected to complete the enquiry and take a decision as to cancellation or otherwise of the authorisation. If for any reason the enquiry is not completed within the said period of 90 days the order of suspension is liable to be revoked and should be revoked either by the appointing authority or the Appellate authority or the Revisionary authority."

3. Against the said Judgment rendered by the learned Single Judge, an appeal was preferred by the respondents therein, and while disposing of the Writ Appeal by its Judgment in **Joint Collector, Kurnool vs. A. Neelima**², the Division Bench of this High Court observed at para No.2 as extracted hereunder:

"2. We have gone through the impugned judgment which is based upon the decision of the Supreme Court in M/s.Sukhwinder Pal Bipan Kumar v. State of Punjab (1) AIR 1982 (S.C.), 1965. In that case, the prescribed form of licence contained the clause for the period of suspension to be maximum for 90 days. A perusal of the order of the learned Single Judge shows that in essence and substance what was meant by him is that the period of 90 days is a reasonable period to conclude the enquiry and the continuance of it beyond 90 days would be unreasonable and shall be, hence, taken as quashed. As we see it was in the nature of a direction to complete the enquiry within 90 days than laying down a general proposition of law that the maximum period of suspension could be only for 90 days. We agree with the view of the learned Single Judge that the order of suspension cannot be used as a pretext for indefinite postponement of the operation of the fair price shop dealership making it in effect cancellation of the dealership. An order of suspension, like every executive and administrative act, has to be founded upon fair play and lack of arbitrariness. The continuation of order of the suspension indefinitely is whole arbitrary and cannot be countenanced. But we must also rush to add that what is reasonable period of suspension will vary from case to case depending upon various factors, though more often than not, a period of 90 days should ordinarily be sufficient to conclude the enquiry."

4. Though, the show cause notice was issued on 06.12.2019 enquiry was not completed till date. Normally the reasonable period to conclude enquiry is 90 days and continuation of the order of suspension for indefinite period cannot be countenanced.

² 1996 LawSuit (AP) 956

5. In view of the same, the Writ Petition is disposed of by setting aside the proceedings issued by the 2nd respondent *vide* Rc.No.1183/2019-S8, dated 06.12.2019 (presently 3rd respondent is the competent authority). The respondents are directed to restore the authorization of the petitioner's Fair Price Shop. No order as to costs.

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

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Sd/- A. VIJAYA BABU
ASSISTANT REGISTRAR

Blw?

SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Velagapudi Secretariat Building, Amaravathi, Guntur District, Andhra Pradesh.
 2. The Joint Collector (C.S.), Guntur District, Guntur.
 3. The Revenue Divisional Officer, Sattenapalli Revenue Division, Sattenapalli, Palnadu District.
 4. The Tahsildar, Sattenapalli Mandal, Palnadu District.
 5. One CC to SRI. KOTI REDDY IDAMAKANTI Advocate [OPUC]
 6. Two CCs to GP FOR CIVIL SUPPLIES, High Court Of Andhra Pradesh. [OUT]
 7. Three CD Copies
- csb

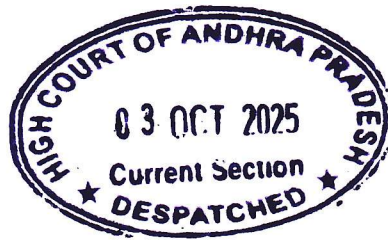
HIGH COURT

csb

DATED:20/03/2025

ORDER

WP.No.6127 of 2025



DISPOSING THE WP WITHOUT COSTS