



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

[3332]

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

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 7224/2025

Between:

1. SRI SAI MAHILA PODUPU SANGHAM, , REP., BY ITS
PRESIDENT PURAMA LALITHA W/O LATE KRISHNA RAO,
AGED ABOUT YEARS, OCC INCHARGE FAIR PRICE SHOP
DEALER NO. 0282004, SALUR (URBAN), SALUR MANDAL,
PARVATHIPURAM MANYAM DISTRICT.

...PETITIONER

AND

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

2. THE DISTRICT COLLECTOR CIVIL SUPPLIES,
PARVATHIPURAM MANYAM DISTRICT.

3. THE SUB COLLECTOR, , PARVATHIPURAM MANYAM
DISTRICT.

4. THE TAHSILDAR, , SALUR MANDAL, PARVATHIPURAM
MANYAM DISTRICT.

5. SRI GAYATHRI MAHILA PODUPU SANGAM GROUP, REP BY
ITS PRESIDENT PANTALA TRIVENI, D/O LATE PANTAL
RAMAMURTHY, AGED NOT KNOWN ABOUT MAJOR, SALUR
(URBAN), SALUR MANDAL, PARVATHIPURAM MANYAM

DISTRICT - 535 501. R5 IS IMPEADED AS PER THE COURT'S ORDER DT.23.03.2026 IN I.A.NO.01 OF 2026.

...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, to declare the action of the respondent No. 3 in issuing the impugned order bearing Procs. No. 983/2025 dt. 10-3-2025 cancelling the Fair Price Shop Dealership of Shop No. 0282004 of the petitioner society, without properly considering the explanation submitted by the petitioner dt. 14-2-2025 to the show cause notice issued by the 4th respondent bearing No. 533/2025/CSDT/ dt. 13-2-2025 and without affording reasonable opportunity of being heard, as being illegal, arbitrary, unjust and unconstitutional and consequently set aside the same, and to grant 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 to direct the Respondent authorities to continue the petitioner as Fair price shop dealer of Shop No. 0282004 of Salur (Urban) village, Salur Mandal, Parvathipuram Manyam District by suspending the impugned order bearing Procs. No. 983/2025 dt. 10-3-2025, pending disposal of the main Writ Petition, and to pass

IA NO: 2 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 vacate the interim order dated 20.03.2025 passed in W.P.No. 7224 of 2025 and dismiss the Writ Petition and pass

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 implead the proposed Respondent No. 5 in WP. No. 7224 of 2025 and permit the consequential amendment to the writ petition and pass

Counsel for the Petitioner:

1. HEMANTH KUMAR VENNA

Counsel for the Respondent(S):

1. GP FOR CIVIL SUPPLIES

The Court made the following:**ORDER:**

Questioning the orders passed by the 3rd respondent in Rc.No.155/2025 dated 13.03.2025 (wrongly mentioned as Procs.No.983/2025 dated 10.03.2025), cancelling the fair price shop dealership in respect of Shop No.0282004, the present writ petition is filed.

2. Heard Sri Venna Hemanth Kumar, 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 writ affidavit submitted that despite the directions given by the Division Bench of this Court in W.A.Nos.139 & 122 of 2025, the authorities are not conducting proper enquiry while cancelling the authorization of the dealers. In the present case, a show cause notice has been issued asking the petitioner to submit explanation as to why her authorization should not be cancelled, for which the petitioner submitted her explanation dated 14.02.2025. He further submitted that the reason

for initiating disciplinary proceedings is that the one Sri Sondi Suresh & others, have given a complaint against the petitioner's dealership. He further submitted that when such complaint has been given by some third parties/card holders, it is bounden duty cast upon the RDO to enquire the said persons in the presence of the petitioner, so that the petitioner will an opportunity to cross-examine them.

Learned counsel further submitted that the 3rd respondent has relied on the report of the Tahsildar and based its decision and report was never supplied to the petitioner and passed the impugned orders. In the said circumstances, the order impugned is passed behind the back of the petitioner which amounts to violation of principles of natural justice. As such, the order impugned is liable to be set aside, accordingly, prayed to allow the writ petition.

4. Per contra, learned Assistant Government Pleader for Civil Supplies while justifying the orders passed by the 3rd respondent contended that there is neither illegality nor impropriety in the orders. A show cause notice has been issued inviting explanation from the petitioner wherein explanation dated 14.02.2025 was submitted and the 3rd respondent, after taking into consideration the material available on record and explanation, has rightly passed orders. In the said circumstances, the petitioner cannot say that a fair opportunity was not

given to them. He further submitted that if at all this Court comes to a conclusion that the orders passed are not fair and in violation of principles of natural justice, the same may be remitted back to the 3rd respondent for conducting proper enquiry.

He further contented that when there is an alternate remedy of appeal before the Joint Collector by virtue of Section 24 of Control Order, 2018, without doing so petitioner has filed this writ petition and the same has to be dismissed at admission stage itself, accordingly, prayed to dismiss the writ petition.

5. In reply learned counsel for the petitioner submitted that when it is glaring on the face of the order that there is violation of principles of natural justice, invoking alternative remedy does not arise, accordingly, prayed to pass appropriate orders.

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

7. A perusal of the orders impugned clearly indicate that enquiry has been initiated based on the complaint given by one Sri Sondi Kumar and others. However, it nowhere indicate that the respondents have enquired the said persons in the presence of the petitioner while conducting the enquiry. Further, the order nowhere shows that the Tasildar report has

been given/supplied to the petitioner when the authority has based its decision on the said Tasildar report.

8. As stated *supra*, there are complainants in the present case and the authorities have not examined those complainants in the presence of the petitioner. Further, the report of the Tahsildar, Saluru, Letter No.588/2024/Sa dated 07.03.2025 which was referred in the orders impugned was also not supplied to the petitioner along with the show cause notice.

9. 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 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 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.

10. In the present case, while cancelling the authorization of the petitioner the 3rd respondent 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.

11. 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

¹ 2015(4) ALT 572

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”

12. Similarly, in ***M.Kalyani v. District Collector, Prakasam District & Ors***² and in ***M.Aruna v. District Collector & Ors***³ 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 notice *vide* Rc.No.155/2025 dated 13.03.2025 is hereby set aside. The matter is remitted back to the authority concerned for conducting proper enquiry afresh as per law. Till such time, the petitioner shall continue as fair price shop dealer to the subject shop.”

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: 09th April, 2026
RKS

² 2006(3) LS 191 DB

³ WA.No.139 of 2025