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APHC010224642026



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

[3331]

WEDNESDAY, THE 22nd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11754/2026

Between:

1. PALLEBOYINA NAGA SUDHA, W/O ARJUNA RAO, AGED 35 YEARS,
OCC FAIR PRICE SHOP DEALER, R/O PALUKUM VILLAGE,
BOLLAPALLI MANDAL, PALNADU DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, CIVIL
SUPPLIES DEPARTMENT, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT.522238

2. THE REVENUE DIVISIONAL OFFICER, NARASARAOPET, PALNADU
DISTRICT.522601

3. THE TAHSILDAR, BOLLAPALLIMANDAL, PALNADU
DISTRICT,522663.

4. SMT SAMPATHI ATCHAMMA, W/O SAMPATHI SUBBA RAO, AGED
37 YEARS, OCC TEMPORARY F.P. SHOP DEALER, R/O
PALUKURU VILLAGE, BOLLAPALLI MANDAL, PALANDU DISTRICT.
522663

...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 of Mandamus or any direction, declaring the

impugned order other appropriate Writ Order or Rc.No.2443/2025-G dated 11-03-2026 on the file of Revenue Divisional Officer, Narasaraopet, Palanadu District, as illegal, arbitrary and vitiated as the same is violation of principles of natural justice 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 suspend the impugned order Rc.No.2443/2025-G dated 11-03-2026 on the file of Revenue Divisional Officer, Narasaraopet, Palanadu District, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.D KRISHNA MURTHY

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

Heard Sri D.Krishna Murthy, learned counsel for the petitioner, and Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies appearing for respondent Nos.1 to 3. None appeared for respondent No.4 despite service.

2. Assailing the proceedings issued by the 2nd respondent *vide* Rc.No.2443/2025-G dated 11.03.2026 (Ex.P1), the above writ petition was filed.

3. The petitioner was appointed as the Fair Price Shop Dealer in respect of F.P.Shop No.0721040 of Palukuru Village. The Civil Supplies Deputy Tahsildar (CSDT), along with other officials, inspected the shop and submitted a report dated 07.11.2025 to the 2nd respondent. Pursuant thereto, the 2nd respondent issued a show-cause notice *vide* Rc.No.2443/2025-G dated 13.11.2025 (Ex.P3). In response to the said show-cause notice, the petitioner submitted an explanation dated 29.11.2025 (Ex.P4). Thereafter, the 2nd respondent, *vide* proceedings Rc.No.2443/2025-G dated 30.11.2025 (Ex.P2),

suspended the authorisation pending enquiry. Aggrieved thereby, the petitioner filed W.P.No.36020 of 2025. The said writ petition was disposed of on 20.01.2026 directing the respondent authority to conclude the enquiry pursuant to the show-cause notice (Ex.P3). Thereafter, by the impugned proceedings, the 2nd respondent cancelled the petitioner's authorisation.

4. Learned counsel for the petitioner would submit that the 2nd respondent neither afforded the petitioner an opportunity of hearing nor conducted an enquiry in terms of the circular instructions vide CCS.Ref.No.PDS.II(1)/307/2025 dated 05.12.2025 and the order dated 18.03.2025 passed in W.A.No.139 of 2025.

5. *Per contra*, learned Assistant Government Pleader would submit that the 2nd respondent considered the explanation and thereafter passed a reasoned order. The petitioner, without filing a statutory appeal under Clause 24(b) of the Control Order, 2018, filed the above writ petition. Thus, prayed to dismiss the writ petition.

6. The point for consideration is:

Whether the proceedings *vide* Rc.No.2443/2025-G dated 11.03.2026 (Ex.P1) withstand legal scrutiny?

7. Shorn of all details, there is no dispute regarding the issuance of the show-cause notice (Ex.P3) and the explanation (Ex.P4) submitted by the petitioner. The Division Bench of this Court, in Writ Appeal No.139 of 2025, considered the meaning of the term "enquiry" and observed as follows:

"9. Moreover, the power of RDO to impose penalties on fair price shop dealers is derived from sub-clause (5) of Clause 5 of the A.P.State Public Distribution System (Control) Order, 2008. The said provision reads as under:

"The appointing authority may, at any time whether at the request of the authorized fair price shop dealer/nominated retailer/hawker or authorized establishment on suo motu after making such enquiry as may be deemed necessary and for reasons to be recorded in writing, add to, amend, vary, suspend or cancel the

authorization issued or deemed to be issued to him under this clause.”

The clause reproduced above enjoins on the appointing authority to follow two mandatory conditions before imposing any penalty as envisaged therein. The first, it shall make an ‘enquiry’ as deemed necessary; and the second, it shall record reasons in writing. As per the Oxford Dictionary, Thesaurus, Indian Edition – 2007, meaning of the word ‘enquiry’ includes probe, examine, explore, and delve into. The word ‘enquiry’ fell for judicial interpretation by the Apex Court in the context of service law jurisprudence. It was held by Apex Court that enquiries must be conducted bona fide and care must be taken to see that they do not become empty formalities

10. However, this Court is of the considered opinion that since an order of cancellation of fair price shop dealer 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 our view must be as described infra. Further, an enquiry pre-supposes an opportunity of personal hearing including recording the sworn statement of the dealer and witnesses, if any, and in case where either card holders or other persons sent any compliant, they must also be examined in the presence of the dealer and also an opportunity of cross-examination shall be given to such persons. Further, as stated above, the concerned authority has to supply all the reports to the dealer, on which he is likely to place reliance to the detriment of the dealer.....”

8. In the case at hand, the impugned proceedings under Ex.P1 neither indicate conducting an enquiry nor an opportunity of hearing was afforded to the petitioner. In fact, the 1st respondent issued the aforementioned circular instructions directing the authorities concerned to adopt the procedure while conducting an enquiry and passing a reasoned order. Clauses (h) and (j) thereof are reproduced herein:

“h. The procedure as to how the enquiry is to be conducted was discussed in detail in “Smt.B.Manjula Vs. District Collector, Civil Supplies, Kurnool and others” (referred supra)

j. If the Fair Price Shop Dealer is aggrieved by the order passed by the disciplinary authority, he/she shall prefer an appeal under Clause 24 of the APSTPDS (Control) Order, 2018.”

9. However, the impugned proceedings (Ex.P1) do not indicate that either the circular instructions or the order passed in the Writ Appeal were adhered to. On this ground, the impugned order is liable to be set aside.

10. Insofar as the 4th respondent is concerned, she was appointed as a temporary dealer by invoking Clause 8(5) of the Control Order. As per Clause 8(5) of the Control Order, the appointment of a temporary dealer is only for a limited period, i.e., up to three (03) months or till the vacancy is filled permanently, whichever is earlier, as per the Rules.

11. The Government, vide G.O.Ms.No.32, Consumer Affairs, Food and Civil Supplies (CS.I) Department, dated 03.12.2018, issued guidelines for the selection and appointment of Fair Price Shop Dealers under the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018. As seen from the G.O., the notification shall be issued on the 1st of every month, the written test shall be conducted on the 15th of every month, and the oral interview shall be conducted on the 16th of every month. Thereafter, appointment orders shall be issued to the selected candidates.

12. In the case at hand, the 4th respondent was appointed as a temporary dealer pursuant to the order dated 11.03.2026. The period of three (03) months has already expired by efflux of time.

13. Given the facts and circumstances of the case, the Writ Petition is disposed of by setting aside the proceedings *vide* Rc.No.2443/2025-G dated 11.03.2026 (Ex.P1) and the matter is remitted to the 2nd respondent. The 2nd respondent shall conduct an enquiry afresh by following the procedure mandated in the circular instructions and the judgment passed in W.A.No.139 of 2025, afford an opportunity of hearing to the petitioner, and pass a reasoned order within a period of four (04) weeks from the date of receipt of a copy of this order. Pending such enquiry, the 2nd respondent shall restore the authorisation of the petitioner in respect of F.P.Shop No.0721040 of Palukuru

Village and allow the petitioner to distribute the essential commodities to the cardholders. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 22.07.2026
JLV

Whether the order is:

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

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JLV