

APHC010247072025



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

[3332]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 12679/2025

Between:

1. SRI BADE YADAVA RAO, S/O LATE DILLESU, AGED ABOUT 52 YEARS, OCC F.P.SHOP DEALER, F.P.SHOP NO.0134055, R/O YEKUVURU VILLAGE SOMPETA MANDAL, SRIKAKULAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS (CS-I) DEPT., SECRETARIAT BUILDINGS VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR, SRIKAKULAM, SRIKAKULAM DISTRICT.

3. THE COLLECTOR CS, SRIKAULAM, SRIKAKULAM DISTRICT.

4. THE REVENUE DIVISIONAL OFFICER, PALASA, SRIKAKULAM DISTRICT.

5. THE TAHSILDAR, SOMPETA MANDAL, SRIKAKULAM DISTRICT.

6. CHIKATI RAJULAMMA, W/O DURYODANA, AGED ABOUT 45 YEARS, OCCTEMPORARY F.P SHOP DEALER, SHOP NO.0134055, YEKUVURU-VILLAGE, SOMPETA MANDAL, SRIKAKULAM DISTRICT. R6 IS IMPEADED AS PER COURTS

ORDER DT.11.02.2026 IN I.A.NO.2 OF 2025

...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 other appropriate writ order to declaring the order passed by the Revenue Divisional Officer, Palasa, Srikakulam District, the 4th respondent herein vide Rc.No.113/2025/ DT(LR) dt.24.04.2025. Cancelling the authorization of the petitioner, without conducting enquiry, as illegal, arbitrary, without jurisdiction, in utter violation of principles of natural justice and contrary to the provisions of A.P State Targeted Public Distribution System (Control) Order, 2018 and set aside the same by restoring to supply essential commodities to the petitioner and pass

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

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 may be pleased to implead the petitioner/proposed Respondent as party Respondent No 6 in the above wp No. 12679/2025 and pass

Counsel for the Petitioner:

1.GNANESWARA RAO MITTIREDDI

Counsel for the Respondent(S):

1.TOTA TEJESWARA RAO

2.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER

The writ petition has been filed questioning the order dated 24.04.2025 passed vide Rc.No.113/2025/DT(LR) by respondent No.4-Revenue Divisional Officer, Palasa, Srikakulam District, cancelling the Fair Price Shop authorization of the petitioner in respect of Shop No.0134055, Yekuvuru Village, Sompeta Mandal, Srikakulam District.

2. The case of the petitioner, in brief, is that he was appointed as F.P.shop dealer of the subject F.P.shop on permanent basis and ever since he had been supplying essential commodities to the cardholders. It is the further case of the petitioner that alleging variation of stock and further on the grounds that he failed to keep notice board in the conspicuous place of the shop, failed to make available stock register and electronically generated slips for a minimum period of one year and failed to keep stock register for variations, the respondent no.4-Revenue Divisional Officer issued show cause notice dated 12.02.2025, for which the petitioner submitted suitable explanation, but without considering the explanation, without conducting enquiry, without giving any reasons and even without following the control orders, the respondent no.4 passed the impugned orders cancelling and terminating the dealership of the petitioner. Hence, the writ petition.

3. Heard Sri M.Ganeswara Rao learned counsel for the petitioner and Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies.

4. Sri M.Ganeswara Rao, learned counsel for the petitioner, while reiterating the contents of the writ affidavit would contend that the petitioner has not been given any opportunity of being heard and no enquiry as contemplated under Clause 8(4) of the A.P. State Targeted Public Distribution System(Control) Order, 2018 was conducted and the explanation submitted by the petitioner has not been taken into consideration while passing the impugned orders and therefore, there is violation of fundamental principles of natural justice besides in violation of the procedure contemplated under the provisions of the Control Order by solely basing on the report of the Tahsildar and hence the impugned order is liable to be set aside.

5. On the other hand, Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies, justified the impugned proceedings being flawless and does not suffer from any procedural infirmity. He would further contend that the petitioner has been given a fair opportunity of submitting explanation and therefore, there is no violation of principles of

natural justice as alleged by the petitioner. Accordingly, prayed to dismiss the writ petition being meritless.

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

7. Clause 8(4) of the A.P. State Targeted Public Distribution System (Control) Order, 2018, empowers the appointing authority to suspend or cancel a Fair Price Shop (FPS) dealer's authorization. This action can be taken in the public interest, *suomotu*, or upon complaint, following an inquiry and for reasons recorded in writing.

8. In the decision in ***B.Manjula vs. District Collector, Civil Supplies, Kurnool and others***¹, this Court held thus:

“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 car 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 licencing/disciplinary authority is bound to hold a detailed enquiry.

¹. 2015(4) ALT 572

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."

9. In the explanation submitted by the petitioner, he took a specific stand that at the request of the Head Master, MPP School, Ekuvuru Village, the petitioner had given 50 Kg rice bag in advance in view of exigency on 28.01.2025 under proper acquaintance duly counter signed by the MEO, Sompeta and therefore the shortage is only 9 Kgs. Of rice and ½ Kg. sugar, which was due to irresponsibility of MDU operator in returning the exact quantity of stocks left undistributed and in respect of shortage of 12 packets of rice each containing 3 Kg. meant for Anganwadi Centers were handed over to F.P.shop dealer of Gollavuru village.

10. The impugned cancellation orders nowhere specifies that the disciplinary authority had tried to ascertain the veracity of the explanation submitted by the petitioner by conducting an independent enquiry. Moreover, the sworn statement of the dealer was not at all recorded and the impugned proceedings nowhere states that an opportunity of fair hearing has been provided to the petitioner. In the absence of the above, it cannot be said that

an enquiry was conducted as contemplated under Clause 8(4) of the A.P. State Targeted Public Distribution System (Control) Order, 2018 in its true letter and spirit.

11. Therefore, it is evident that the disciplinary authority instead of conducting an enquiry as contemplated under the Control Order, 2018 simply allowed him to be swayed away by the report submitted by the Tahsildar. Hence, violation of the principles of natural justice as well as infraction of the procedure contemplated under Control Order is glaring.

12. In view of the above, the impugned orders having been passed by the Disciplinary Authority, without conducting proper enquiry as contemplated under clause 8(4) of the Control Order, 2018 suffers from the vice of non-compliance of the procedure contemplated under the Control Orders besides being violative of Audi Alteram Partem Rule. Therefore, the impugned orders are liable to be set aside.

13. This Court vide orders dated 09.05.2025 granted interim stay of the impugned orders.

14. In view of the above, the writ petition is disposed of, setting aside the impugned proceedings of respondent no.2 vide Rc.No.113/2025/DT(LR),

dated 24.04.2025 and the matter is remitted back to the Revenue Divisional Officer for conducting enquiry afresh as envisaged under the Control Order, 2018. Till such time, the petitioner shall be continued as dealer of the subject F.P.Shop. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

18th February, 2026. .

RR