

APHC010312052025



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

[3332]

MONDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 15957/2025

Between:

- 1.S Shaikshavali, S/o Shaik Ali Saheb, aged 36 years, Occ: FP shop dealer for shop No.1349059, Indirampalli Village, Dhone mandal, Nandyal Dist.

...PETITIONER

AND

- 1.The State Of Andhra Pradesh, Rep., by its Principle Secretary Civil Supplies Department, Secretariat Velagapudi, Guntur Dist.
- 2.The Collector (CS), Nandyal dist., at Nandyal.
- 3.The Revenue Divisional Officer, Dhone Town, Nandyal Dist.
- 4.The Tahsildar, Dhone Mandal, Nandyal Dist.

...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 or direction preferably writ of mandamus declaring the order issued by the Rc.No.D/CS/543/2025 dt 20-6-2025 terminating 3rd respondent vide petitioner's authorization in respect of the F.P Shop No.1349059 Indirampalli Village, Dhone Mandal, Nandyal Dist., without following the procedure as contemplated under AP State Targetted Public Distribution System (Control) Order,2018 is illegal, arbitrary, and violative of principles of natural justice and consequentially set aside the impugned order dt 20-6-2025 by directing the Respondents to continue petitioner as FP Shop dealer as usual, 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 Suspend the impugned order passed by the 3rd respondent vide Rc.No.D/CS/543/2025 dt:20-6-2025 in respect of FP Shop No. 1349059, Indirampalli Village, Dhone Mandal, Nandyal Dist.

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 May be pleased to vacate the Interim order dated 01.07.2025 passed in I.A. No.1 of 2025 in W.P. No.15957of 2025 and pass

Counsel for the Petitioner:

1.M M M SRINIVASA RAO

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

The present writ petition is filed challenging the proceedings dated 20.06.2025 issued by the 3rd respondent (RDO) vide Rc.No.D/CS/543/2025 wherein the petitioner's authorization as fair price shop dealer for shop No.1349059 situated at Indirampalli village, Dhone Mandal, Nandyal district, was terminated without following the procedure as contemplated under AP State Targetted Public Distribution System (Control) Order, 2018.

2. Heard Sri MMM.Srinivasa Rao, learned counsel for the petitioner and Sri T.Venkat Ananda rao, learned Assistant Government Pleader for Civil Supplies.

3. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, basing on the tahsildar's report dated 15.05.2025 on the allegations of variations in stocks, the RDO has issued show cause notice on 02.06.2025, to which the petitioner had submitted his explanation dated 09.06.2025. He further submitted that, without considering the said explanation, without providing an opportunity of personal hearing and without conducting proper enquiry, the RDO (3rd respondent) had issued the impugned proceedings terminating the authorization of the petitioner as fair price shop dealer. He further submitted that, the document leading to the charges, such as panchanama, tahsildar's report were not supplied to the petitioner so as to enable him to file effective reply and that the authorities did not conduct enquiry as contemplated under Clause 8(4) of the A.P. State Targeted Public Distribution System (Control) Order, 2018 (for short, 'control order, 2018) 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, 2018. He further submitted that, however, by virtue of the interim orders passed by this court dated 01.07.2025, the petitioner is continuing as fair price shop dealer. Accordingly, prayed to pass orders treating interim order as final order.

4. On the other hand, 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, as

such, there is no violation of principles of natural justice as alleged by the petitioner. He further submitted that, the petitioner, instead of filing appeal before the Joint Collector (Civil Supplies), filed the present writ petition which is not maintainable and liable to be dismissed.

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

6. The prime grievance of the petitioner is that, while terminating his authorization with regard to subject shop, the authorities have not provided him with the documents relied by them nor conducted proper enquiry and that his explanation was not considered at all. It is well settled that, if an adjudicatory body is going to rely on any material, evidence or document for its decision against a party, then the same must be brought to his notice and he be given an opportunity to rebut it or comment thereon. If without disclosing any evidence to the party, the authority takes it into its consideration and decides the matter against the party, the decision is vitiated for its amounts to denial of real and effective opportunity to the party to meet the case against him/her.

7. It appears that the impugned order in terminating the petitioner's authorization is based on an enquiry conducted behind the back of the petitioner, which is contrary to Sub-clause (5) of Control order, 2018. 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.

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.”

8. The impugned termination orders nowhere specifies that copy of the panchanama and tahsildar's report was supplied to the petitioner so as to enable him to file effective reply. Further, though the dealer flatly denied allegations made against him, the mediators, who are present at the time of inspection and preparation of panchanama, were not examined. Moreover, the sworn statement of the dealer was not at all recorded nor the mediators statement were recorded in the presence of 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

¹. 2015(4) ALT 572

(Control) Order, 2018 in its true letter and spirit. In view of the reasons stated and the decision referred supra, the impugned orders are liable to be set aside.

9. Accordingly, the writ petition is **disposed of** by setting aside the orders dated 20.06.2025 issued by the 3rd respondent (RDO) vide Rc.No.D/CS/543/2025. The matter is remanded to the disciplinary authority for conducting fresh enquiry as contemplated under Clause 8(4) of the A.P. State Targeted Public Distribution System (Control) Order, 2018. Till then, the petitioner shall continue as fair price dealer to the subject shop. There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS