



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

[3332]

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

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 18755/2022

Between:

1.M C PULLAMMA, W/O. M.SUBRAMANYAM, AGED 33 YEARS, R/O.5-100, KORRAPADU, RAJUPALEM, KADAPA DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, CIVIL SUPPLIES DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2.THE DISTRICT COLLECTOR, KADAPA, KADAPA DISTRICT.

3.THE JOINT COLLECTOR, KADAPA, KADAPA DISTRICT.

4.THE REVENUE DIVISIONAL OFFICER, JAMMALAMADUGU, KADAPA DISTRICT.

5.THE TAHSILDAR, RAJUPALEM, KADAPA DISTRICT.

6.THE ASSISTANT SUPPLY OFFICER, JAMMALAMADUGU, KADAPA DISTRICT.

7.SRI G SRINIVASULU, REVENUE DIVISIONAL OFFICER, JAMMALAMADUGU, KADAPA DISTRICT.

8.SRI D DAMODAR REDDY, TAHSILDAR, RAJUPALEM MANDAL, KADAPA DISTRICT.

...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, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned action of the 4th respondent in issuing impugned proceedings Ref. 8/556/2022 dated 25.05.2022, (communicated to the petitioner by serving Photostat copy on 28.05.2022), as illegal, arbitrary and also violative of Article 14 of Constitution of India, apart from contrary to the provisions of A.P State Targeted Public Distribution System (Control) Order, 2018 and also violative of Principles of Natural Justice, apart from contrary to the guidelines issued by this Honourable Court vide judgment made in W.P.Nc.17517 OF 2019 and W.P.No.1466 OF 2020, and also in contravention of this Honourable Court in earlier W.P.No.13576 OF 2022, dt 06.05.2022, consequently set aside the same and pass such

IA NO: 1 OF 2022

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 grant interim suspension of the impugned proceedings Ref.B/556/2022 dated 25.05.2022, on the file of the 4th respondent, consequently permitting the petitioner to operate fair price shop authorization and distribute commodities in respect of Shop No.1104013, Korrapadu Village, Rajupalem Mandal, Kadapa District, pending disposal of the above writ petition and pass such

IA NO: 2 OF 2022

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 passed in I.ANo.1/2022 in Wp.8755/2022, dated 6.7.2022 and pass such other

Counsel for the Petitioner:

1.G V SHIVAJI

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

Challenging the proceedings issued by respondent No.4 in Ref.B/556/2022 dated 25.05.2022 (communicated to the petitioner by serving Photostat copy on 28.05.2022), the present Writ Petition is filed.

2. Heard Smt K.S.G.Padmavathi, learned counsel, representing Sri G.V.Shivaji, learned counsel for the petitioner and Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies appearing for the respondents.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that the petitioner was appointed as Fair Price shop dealer for shop bearing No.1104013, Korrapadu village, Rajupalem Mandal, Kadapa District and that from the date of appointment, she has been running the shop without any complaints from the cardholders. While so, an inspection was conducted on 21.04.2022 and an enquiry was initiated on false allegations alleging of stock variation. Consequently, order cancelling the petitioner's authorization was passed vide proceedings dated 25.04.2022, based on the report submitted by the Tahsildar dated 22.04.2022. As the authorities failed to furnish a copy of the said report to the petitioner, she questioned the same by filing Writ Petition No.13576 of 2022. This Court, by order dated 06.05.2022, disposed of the said Writ Petition directing the respondent authorities to follow the guidelines issued by this Court and further directing them to furnish a copy of the report forming the basis for the show cause notice. The Court also permitted the petitioner to submit her explanation

within two weeks thereafter and directed the respondents to pass final orders only thereafter. Pursuant thereto, the petitioner was furnished with a copy of the Tahsildar's report dated 22.04.2022 on 26.05.2022. However, surprisingly, within two days thereof, i.e., on 28.05.2022, the petitioner was served with a Photostat copy of the impugned proceedings dated 25.05.2022 cancelling her authorization, even before she could submit her explanation. It is further submitted that if the said order is allowed to subsist, it would seriously prejudice the rights of the petitioner.

4. On the other hand, learned Assistant Government Pleader for Civil Supplies Department on counter, submitted that the petitioner has not approached this Court with clean hands. Pursuant to the disposal of the earlier Writ Petition, a copy of the Tahsildar's report dated 22.04.2022 had already been served on one Sri M.Subrahmanyam, however, suppressing the said facts, the petitioner has approached this Court. He further submitted that both the Tahsildar's report and the impugned proceedings were received by one Sri M.Subrahmanyam, who is none other than the husband of the petitioner. In such circumstances, the petitioner cannot find fault with the authorities. He further contended that, despite receipt of the Tahsildar's report, the petitioner failed to submit any explanation to the show cause notice issued by the Revenue Divisional officer, Jammalamadugu. Therefore, the authorities were justified in passing the impugned order. He further submitted that there is neither any illegality nor any procedural irregularity in passing the impugned

order. Hence, the writ petition, being devoid of merits, is liable to be dismissed.

5. In reply, learned counsel for the petitioner submitted that neither the Tahsildar's report nor the cancellation proceedings were ever served upon the petitioner personally, and they were allegedly supplied to the husband of the petitioner, as such, it does not construed as due service upon the petitioner. Therefore, the same cannot be treated as compliance with the directions issued by this Court regarding furnishing of the relevant documents to the petitioner.

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

7. It is not in dispute that the petitioner's authorization was cancelled by the authorities vide Ref. B-556/2022, dated 25.04.2022. Assailing the said proceedings, the petitioner approached this Court by filing Writ Petition No.13576 of 2022 on the ground that the Tahsildar's report, which formed the basis for cancellation of the petitioner's authorization, was not served on her along with the show cause notice. A Coordinate Bench of this Court disposed of the said Writ Petition directing the respondents to furnish a copy of the Tahsildar's report dated 22.04.2022 to the petitioner as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of the order and further granted liberty to the petitioner to submit her explanation within a period of two weeks from the date of receipt of report of

the Tahsildar and on receipt of the explanation of the petitioner, the respondents are directed to complete the enquiry as expeditiously as possible within a period of four weeks from the date of receipt of explanation of the petitioner.

8. Now, it is the contention of the petitioner that despite such directions, the authorities failed to furnish the Tahsildar's report within the stipulated time, however, it was furnished to her only on 26.05.2022 and therefore she is entitled to a period of two weeks there from *i.e.*, till 09.06.2022 to submit her explanation. However, without waiting for the expiry of the said period, the impugned proceedings were issued on 28.05.2022, hence, the impugned order was passed in clear violation of the principles of natural justice

9. As per the respondents, the Tahsildar's report was furnished on 26.05.2022 and acknowledgment was obtained from the person who received the same. According to both the petitioner and the respondents, the said person is none other than the husband of the petitioner herein. Likewise, the impugned order was also served on the petitioner's husband. The signatures appearing on the acknowledgments are stated to be similar and the petitioner has not specifically disputed the service of the impugned proceedings on her husband. In such circumstances, the petitioner cannot contend that the service of the proceedings on her husband does not amount to valid service. Admittedly, the petitioner did not submit any explanation within the time and therefore, the authority proceeded to issue the impugned proceedings based

on the material available on record. The petitioner cannot find fault with the procedure followed by the authorities in issuing the impugned proceedings. As such, this Court is of the view that the petitioner has not approached this Court with clean hands and that the Writ Petition, being devoid of merits, is liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

20.04.2026

MP

204

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.18755 of 2022

20.04.2026

MP