



APHC010406232025



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



**MONDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 21023 OF 2025

Between:

Avula Mareppa, Dealer of F.P. Shop No. 1302022 S/o. Basappa, aged.41 years, R/o.Kolmanpeta Village, Kosigi Mandal, Kurnool District, AP.

...Petitioner

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary, Civil Supplies, Secretariat, Amaravathi, Velagapudi, AP.
2. The District Collector, Kurnool Kurnool District, AP.
3. The SubCollector/R D O, Adoni, Kurnool, Kurnool District, AP.
4. The Tahsildar, Kosgi Mandal, Kurnool District, AP.
5. The Revenue Inspector, Kosigi Mandal, Kurnool District, AP.

...Respondents

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 order or direction more particularly one in the nature of writ of Mandamus declaring the action of the R-3 in Cancelling the authorization of the FP shop of the Petitioner vide proc in Rc.(M).1214/2024, Dt.30-7-2025 and the action of the R-5 in seizing the stock from F.P.Shop No. 1302022 of Kolmanpeta village of Kosigi Mandal, Kurnool Dist, is liable to be set aside as unjust and illegal, contrary to well established principles of law,

without jurisdiction, violative of principles of natural justice, violative of Art 14, 16 and 21 of the Constitution of India, violative of the provisions of Civil Supplies Act, and by consequently direct the Respondents herein to allot the stock continuously forthwith.

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 Respondents to allot the stock continuously to the F.P.Shop No. 1302022 of Kolmanpeta village of Kosigi Mandal, Kurnool Dist, forthwith, by suspending the Proc in Rc. (M). 1214/2024, Dt. 30-07-2025, pending Disposal of this writ petition.

Counsel for the Petitioner: SRI S M SUBHAN

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following order:



**IN THE HIGH COURT OF ANDHRA PRADESH
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**MONDAY, THE ELEVENTH DAY OF AUGUST
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PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 21023/2025

Between:

1.AVULA MAREPPA, DEALER OF F.P. SHOP NO. 1302022 S/O.
BASAPPA, AGED.41 YEARS, R/O.KOLMANPETA VILLAGE,
KOSIGI MANDAL, KURNOOL DISTRICT, AP.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, CIVIL SUPPLIES, SECRETARIAT, AMARAVATHI,
VELAGAPUDI, AP.
- 2.THE DISTRICT COLLECTOR, KURNOOL KURNOOL DISTRICT,
AP.
- 3.THE SUBCOLLECTOR/R D O, ADONI, KURNOOL, KURNOOL
DISTRICT, AP.
- 4.THE TAHSILDAR, KOSGI MANDAL, KURNOOL DISTRICT, AP.
- 5.THE REVENUE INSPECTOR, KOSIGI MANDAL, KURNOOL
DISTRICT, AP.

...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 order or direction more particularly one in the nature of writ of Mandamus declaring the action of the R-3 in

ORDER

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

"....to issue an order or direction more particularly one in the nature of writ of "Mandamus" declaring the action of the R-3 in Cancelling the authorization of the FP shop of the Petitioner vide proc in Rc.(M).1214/2024, Dt 30-7-2025 and the action of the R-5 in seizing the stock from F.P.Shop No.1302022 of Kolmanpeta village of Kosigi Mandal, Kurnool Dist., is liable to be set aside as unjust and illegal, contrary to well established principles of law, without jurisdiction, violative of principles of natural justice, violative of Art 14, 16 and 21 of the Constitution of India, violative of the provisions of Civil Supplies Act, and by consequently direct the Respondents herein to allot the stock continuously forthwith"

2. The petitioner was appointed as Fair Price Shop dealer of Shop No.1302022, Kolmanpeta Village, Kosigi Mandal, Kurnool District, in the year 2008 and has been running the said Fair Price Shop without any complaints, either from the cardholders or from the concerned officers, till date. The said dealership has been extended from time to time by the concerned officers.

3. While the matter being so, on 11.12.2024, the Revenue Inspector and V.R.O. came to the petitioner's house and forcibly seized the entire stock by orally stating that they have complaints from the public. Thereafter, on 16.12.2024, petitioner has submitted a complaint to the Tahsildar and District Collector regarding the said seizure of the stock.

As there was no response from the Tahsilar and Deputy Collector in spite of his complaint, the petitioner was constrained to file W.P.No.30653 of 2024 before this Court and the same was disposed of on 06.01.2025, directing the respondents to release the December stock immediately to the petitioner. Thereafter, the Sub-Collector, Adoni has issued a show-cause notice and suspension order to the petitioner on 31.12.2024, calling for an explanation alleging that some of the stock was not available and that there are variations in the stock, which was in fact served on the petitioner on 08.01.2025. For which, the petitioner submitted his explanation on 10.01.2025, requesting the concerned authorities to release the stock in pursuance of the orders passed by this Court in W.P.No.30653 of 2024. As there was no response from the concerned authorities in pursuance of his explanation, the petitioner was once again constrained to file W.P. No.1522 of 2025, challenging the said show-cause notice on the ground that, without even conducting proper enquiry into the explanation submitted by the petitioner, the impugned proceedings dated 31.12.2024 were issued suspending the petitioner's shop authorization. The said writ petition was disposed of on 03.03.2025 by setting aside the proceedings issued by the 3rd respondent dated 31.12.2024 "with a direction to the respondents to supply the essential commodities to the petitioner and follow due procedure by providing ample opportunity of hearing to the petitioner and

to pass appropriate orders, as contemplated under law, within one month from the date of receipt of a copy of this order. Till then, the respondents are directed not to take coercive steps against the petitioner”.

4. The grievance of the petitioner in the present writ petition is that, in spite of there being an order from this Court on earlier two occasions, the respondents have once again issued a show-cause notice on 20.05.2025, alleging certain variation of the stock in the petitioner's fair price shop. For which, the petitioner has submitted a detailed explanation on 27.05.2025, stating that due to political pressures, his shop was forcibly taken on 01.06.2024 and the same was seized by the inspection team on 17.12.2024. But, however, without assigning any reasons as to how the petitioner's explanation was not satisfactory, the present impugned proceedings have been passed by the 3rd respondent vide proceedings dated 30.07.2025, cancelling the petitioner's authorization. Challenging which, the present writ petition is filed.

5. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Civil Supplies.

6. On a perusal of the impugned proceedings, it can be seen that, except for referring to the explanation given by the petitioner, no reasons have been assigned by the 3rd respondent as to how he is not satisfied with the explanation submitted by the petitioner. However, the present

impugned proceedings have been passed basing on the report of the CSDT, Yemmiganur, and also statements of the cardholders.

7. Under similar circumstances, this Court in ***K. Sumathi Vs. State of Andhra Pradesh***¹, has categorically held that the reasons for coming to the conclusion should reflect in the order and it is not sufficient to say for the quasi-judicial/administrative authority or the State that the explanation offered by a dealer is not convincing.

8. Once the petitioner submits an explanation pursuant to a show cause notice, the concerned authorities must evaluate it thoroughly and shall issue a reasoned order to justify their actions. Without doing so, the 3rd respondent has issued the impugned proceedings suspending the authorization of the petitioner, as such, the same has to be set-aside.

9. In the result, the writ petition is allowed by setting aside the impugned proceedings dated 30.07.2025 passed by the 3rd respondent. The matter is remanded back to the 3rd respondent for fresh consideration, by giving an opportunity of hearing to the petitioner and also calling for a fresh explanation from the petitioner, by following due procedure and pass appropriate orders as contemplated under law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is needless to state that, till such time, the respondents are

¹2016 (3) ALT 10 (S.B.)

directed to supply the essential commodities to the petitioner. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

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SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

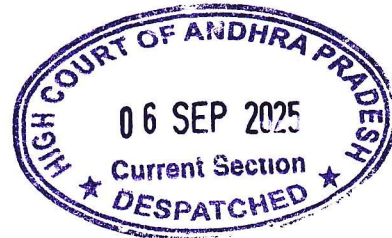
1. The Principal Secretary, Civil Supplies, Secretariat, Amaravathi, Velagapudi, AP.
2. The District Collector, Kurnool Kurnool District, AP.
3. The Sub-Collector/R D O, Adoni, Kurnool, Kurnool District, AP.
4. The Tahsildar, Kosgi Mandal, Kurnool District, AP.
5. The Revenue Inspector, Kosigi Mandal, Kurnool District, AP.
6. One CC to Sri S M Subhan Advocate [OPUC]
7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh [OUT]
8. Two CD Copies

TF

HIGH COURT

DATED:11/08/2025

ORDER
WP NO. 21023 OF 2025



ALLOWING THE W.P. WITHOUT COSTS