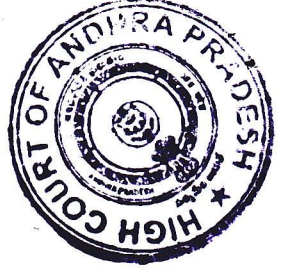




IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT. JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 20804 OF 2025

Between:

Kothagunda Lakshmi Narayana, S/o. Subba Rao, aged about 46 years R/o.
D.No. 4-4B, Kolalapudi, Marturu Mandal, Bapatla District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. By its Principal Secretary, (Food, Civil Supplies and Consumer Affairs (CS-I) Department), Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Civil Supplies Officer, Civil Supplies Department, Bapatla District, Andhra Pradesh.
3. The Joint Collector, Bapatla District Andhra Pradesh.
4. The Revenue Divisional Officer, Chirala, Bapatla District.
5. The Civil Supplies Enforcement, Deputy Tahsildar, Parchuru.
6. The Village Revenue Officer, Kolalapudi Village, Marturu Mandal, Bapatla District
7. Amara Bhaskar Rao, S/o. Not Known the petitioner, Occ: Stage II Contractor, M.L.S. Point Marturu.

...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 a writ, order or direction more particularly one in the nature of

WRIT OF MANDAMUS declaring the proceedings in Rc.No.335/2025-B, dt. 02.08.2025 passed by the 4th respondent thereby suspended the authorization of the petitioners Fair Price Shop No.0820034 situated in Kolalapudi Village, Martur Mandal, Bapatla District, without conducting enquiry, without furnishing the Inspection Report dt. 29.07.2025 of Deputy Tahsildar (CS), Martur and without recording reasons for suspension of authorization, as illegal, arbitrary, violative of principles of natural justice and provisions of Andhra Pradesh State Targeted (Public Distribution System) Control Order, 2018 and offends Articles 14 and 21 of Constitution of India and consequently set aside the proceedings dt. 02.08.2025 and direct the respondents particularly respondents to continue me as Fair Price Shop Dealer for the said Fair price shop by supplying essential commodities every month for distribution to cardholders.

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 suspend the proceedings in Rc.No.335/2025-B, dt. 02.08.2025 passed by the 4th respondent and consequently direct the respondents 4 to 6 to continue me as Fair Price Shop Dealer for Shop No. 0820034 situated in Kolalapudi Village, Martur Mandal, Bapatla District, by supplying essential commodities every month for distribution to cardholders, pending disposal of main Writ Petition.

Counsel for the Petitioner: RAMAKRISHNA AKURATHI
Counsel for the Respondent Nos.1, 2, 3 & 5 :GP FOR CIVIL SUPPLIES
Counsel for the Respondent Nos.4 & 6 : GP FOR REVENUE
Counsel for the Respondent No.7 : NONE APPEARED

The Court made the following order:



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

[3458]

**WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 20804/2025

Between:

1.KOTHAGUNDA LAKSHMI NARAYANA, S/O SUBBA RAO, AGED ABOUT 46 YEARS R/O. D.NO. 4-4B, KOLALAPUDI, MARTURU MANDAL, BAPATLA DISTRICT.

...PETITIONER

AND

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

2.THE DISTRICT CIVIL SUPPLIES OFFICER, CIVIL SUPPLIES DEPARTMENT, BAPATLA DISTRICT, ANDHRA PRADESH.

3.THE JOINT COLLECTOR, BAPATLA DISTRICT ANDHRA PRADESH.

4.THE REVENUE DIVISIONAL OFFICER, CHIRALA, BAPATLA DISTRICT.

5.THE CIVIL SUPPLIES ENFORCEMENT, DEPUTY TAHSILDAR, PARCHURU.

6.THE VILLAGE REVENUE OFFICER, KOLALAPUDI VILLAGE, MARTURU MANDAL, BAPATLA DISTRICT

7. AMARA BHASKAR RAO, S/O NOT KNOWN THE PETITIONER, OCC
STAGE II CONTRACTOR, M.L.S. POINT MARTURU.

...RESPONDENT(S):

Counsel for the Petitioner:

1. RAMAKRISHNA AKURATHI

Counsel for the Respondent(S):

1. GP FOR REVENUE

2. GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

Heard Sri Ramakrishna Akurathi, learned counsel for the petitioner and Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies appearing for the respondents.

2. The grievance of the writ petitioner is that vide impugned order the respondent No.4 has suspended the Fair Price Shop license of the petitioner.

3. It is argued by the learned counsel for the petitioner that, the show cause notice, dated 00.08.2025 was issued to the petitioner. However, the said show cause notice was never received by the petitioner and a copy of the same was sent to the petitioner's 'WhatsApp'. It is contended that the show cause notice was issued requiring the petitioner to submit his explanation within a period of seven (07) days, however on the same day, the impugned proceedings have been passed suspending the petitioner's

dealership. He contends that the order impugned is therefore in gross violation of principles of natural justice.

4. Learned Assistant Government Pleader for Civil Supplies would submit that the show cause notice was not in contemplation of **suspension** of the dealership, but the same was issued seeking explanation of the petitioner as to why the license shall not be **cancelled**.

5. Considered the rival submissions. As seen from the impugned proceedings while suspending the petitioner's dealership license, the authority has referred to the show cause notice and charges framed there under, further gave a finding that the petitioner has committed irregularities and diverted 275 Kgs of rice meant for mid-Day meals. Thus, it cannot be presumed that the show cause notice was issued in contemplation of the proceedings for **cancellation** of the dealership license and not in connection with the impugned proceedings. Thus, the learned assistant government pleader's submission that the non-service of the show cause on the petitioner would not be fatal, is unsustainable.

6. In the facts of the present case, the issuance of the show cause notice and passing the order of suspension without serving the show cause notice, further passing the impugned proceedings on the same day of the show cause, would defeat the purpose of the show cause notice for which it was issued. Further, the same is in gross violation of the principles of natural justice. Having regard to the same, this Court deems it appropriate to dispose

of the Writ Petition by setting aside the impugned order of the respondent No.4 and directing the respondent No.4 to pass appropriate orders after affording sufficient opportunity to the petitioner to file his objections to the show cause notice, within a period of eight (08) weeks from the date of receipt of the order.

7. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

//TRUE COPY//

Sd/- K. TATA RAO
DEPUTY REGISTRAR

AB
SECTION OFFICER

To,

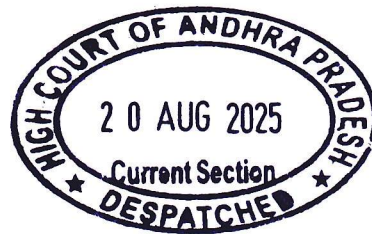
1. The Principal Secretary, (Food, Civil Supplies and Consumer Affairs (CS-I) Department), State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Civil Supplies Officer, Civil Supplies Department, Bapatla District, Andhra Pradesh.
3. The Joint Collector, Bapatla District Andhra Pradesh.
4. The Revenue Divisional Officer, Chirala, Bapatla District.
5. The Civil Supplies Enforcement, Deputy Tahsildar, Parchuru.
6. The Village Revenue Officer, Kolalapudi Village, Marturu Mandal, Bapatla District
7. One CC to Sri Ramakrishna Akurathi, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh [OUT]
9. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh [OUT]
10. Two CD Copies

Cnr

HIGH COURT

DATED:06/08/2025

**ORDER
WP NO. 20804 OF 2025**



**DISPOSING OF THE W.P.
WITHOUT COSTS**