



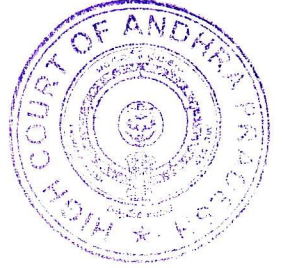
IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION NO: 21084 OF 2025



Between:

Medikonda Srinivasulu, S/o. Late Nammallu, aged 46 years, Occ: Fair Price Shop Dealer of Shop No. 0848026 Kakutiirivaripalem Village, Tangutur Mandal Prakasam District.

...Petitioner—

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Velagapudi, Amaravathi Guntur District.
2. The Collector Civil Supplies, Prakasam District at Ongole.
3. The Revenue Divisional Officer, Ongole, Prakasam District.
4. Tashildar, Tanguturu Mandal, Prakasam District.
5. The Enforcement Deputy Tahsildar, Singarayanakonda, Prakasam District.

...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, one in the nature of a Writ of Mandamus or any other appropriate Writ, direction or order, declaring the inaction of the 3rd respondent-Revenue Divisional Officer in canceling the authorization of the petitioner fair price shop dealer of the Fair Price Shop No. 0848026,

Kakuturivaripalem Village, Tangutur Mandal, Prakasam District, through Proc Rc No. I/3430/2024, dated 11.07.2025 as illegal and arbitrary and violative of the provisions of the Andhra Pradesh Scheduled Commodities Control Order, 2008 by setting aside the same and consequently to direct the respondents to continue the petitioner as Permanent Fair Price Shop Dealer of Shop No. 0848026, Kakuturivaripalem Village, Tangutur Mandal, Prakasam District in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the Proceedings Rc No. V3430/2024, dated 11.07.2025 passed by the 3rd respondent and continue the petitioner as Permanent Fair Price Shop Dealer of Shop No. 0848026, Kakuturivaripalem Village, Tangutur Mandal, Prakasam District, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI TENEPALLI NIRANJAN

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following order:



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

[3333]

**TUESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 21084/2025

Between:

1. MEDIKONDA SRINIVASULU, S/O. LATE NAMMALLU, AGED 46
YEARS, OCC, FAIR PRICE SHOP DEALER OF SHOP NO.
0848026 KAKUTIRIVARIPALEM VILLAGE, TANGUTUR
MANDAL PRAKASAM DISTRICT

...PETITIONER

AND

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

2. THE COLLECTOR CIVIL SUPPLIES, PRAKASAM DISTRICT AT
ONGOLE

3. THE REVENUE DIVISIONAL OFFICER, ONGOLE, PRAKASAM
DISTRICT

4. TASHILDAR, TANGUTURU MANDAL, PRAKASAM DISTRICT

5. THE ENFORCEMENT DEPUTY TAHSILDAR,
SINGARAYANAKONDA, PRAKASAM 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, one in the nature of a Writ of

Mandamus or any other appropriate Writ, direction or order, declaring the inaction of the 3rd respondent-Revenue Divisional Officer in canceling the authorization of the petitioner fair price shop dealer of the Fair Price Shop No. 0848026, Kakaturivaripalem Village, Tangutur Mandal, Prakasam District, through Proc Rc No. I/3430/2024, dated 11.07.2025 as illegal and arbitrary and violative of the provisions of the Andhra Pradesh Scheduled Commodities Control Order, 2008 by setting aside the same and consequently to direct the respondents to continue the petitioner as Permanent Fair Price Shop Dealer of Shop No. 0848026, Kakaturivaripalem Village, Tangutur Mandal, Prakasam District in the interest of justice and to 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 to suspend the Proceedings Rc No. V3430/2024, dated 11.07.2025 passed by the 3rd respondent and continue the petitioner as Permanent Fair Price Shop Dealer of Shop No. 0848026, Kakaturivaripalem Village, Tangutur Mandal, Prakasam District, pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1.TENEPALLI NIRANJAN

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“....to issue a Writ, one in the nature of a Writ of Mandamus or any other appropriate Writ, direction or order, declaring the inaction of the 3rd respondent-Revenue Divisional Officer in cancelling the authorization of the petitioner fair price shop dealer of the Fair Price Shop No.0848026, Kakaturivaripalem Village, Tangutur Mandal, Prakasam District, Through Proc Rc.No.1/3430/2024, dated 11.07.2025 as illegal and arbitrary and violative of the provisions of the Andhra Pradesh Scheduled Commodities Control Order, 2008 by setting aside the same and consequently to direct the respondents to continue the petitioner as Permanent Fair Price Shop Dealer of Shop No.0848026, Kakaturivaripalem Village, Tangutur Mandal, Prakasam District in the interest of justice”

2. The petitioner's father was appointed as a dealer of Fair Price Shop No.0848026 of Kakaturivaripalem Village, Tangutur Mandal, Prakasam District in the year 2009. After the death of his father, the petitioner was appointed as the dealer on compassionate grounds.

3. While the matter being so, on 03.11.2024, the VRO, Kakaturivaripalem village, inspected the petitioner's Fair Price Shop and found variation of 175.5 kgs of excess rice and prepared a panchanama and further initiated proceedings under Section 6-A of the Essential Commodities Act, 1955. Subsequently, on 11.11.2024, the petitioner has submitted a representation to the respondents, requesting them to release the stocks, as the petitioner was neither suspended nor his

authorization was cancelled. But, as no action has been initiated by the respondents, the petitioner was constrained to file W.P.No.27795 of 2024 and the said writ petition was disposed on 02.12.2024 by directing the respondents to supply the essential commodities to the petitioner on his complying with the requirements for such supply, until his appointment is suspended/cancelled by following the due process of law. In pursuance of the orders passed by this Court, the 3rd respondent issued proceedings dated 30.11.2024 suspending the petitioner's authorization pending further enquiry. Aggrieved by the same, the petitioner again filed W.P.No.29595 of 2024 and the said writ petition was allowed by this Court by setting aside the order dated 30.11.2024, however, giving liberty to the respondent authorities to conduct enquiry as per law and take an independent decision basing on the evidence without being influenced by any observation made by this Court.

4. The grievance of the petitioner is that, in pursuance of the orders passed by this Court, once again the 3rd respondent issued a notice dated 05.07.2025 directing the petitioner to appear before him on 08.07.2025 for enquiry. Accordingly, the petitioner appeared before the 3rd respondent and also submitted an explanation on the same day. But, however, the 3rd respondent, without even considering the explanation submitted by the petitioner and without verifying the documents and stocks of the petitioner's fair price shop, has mechanically, in a routine

manner, cancelled the authorization of the petitioner's Fair Price Shop vide proceedings dated 11.07.2025. Challenging the same, the present writ petition is filed.

5. Heard learned counsel for the petitioner as well as learned Government Pleader for Civil Supplies for respondents.

6. During the course of hearing, learned counsel for the petitioner reiterated the contentions urged in the writ petition and further argued that the respondent authorities ought to have given cogent reasons for not considering the explanation submitted by the petitioner but should not have suspended the petitioner's authorization invariably. Hence, requested to allow the present petition.

7. On the other hand, learned Assistant Government Pleader for Civil Supplies supported the action of the respondents in all aspects and requested to dismiss the writ petition.

8. On a perusal of the impugned proceedings dated 11.07.2025, it can be observed that though in the reference, the explanation submitted by the petitioner has been referred at Sl.No.10, but, however, no finding has been given as to how the written explanation submitted by the petitioner on 08.07.2025 is not convincing, except stating that "examined the written explanation it is concluded that the explanation of the fair price shop dealer and his council is not convincing". Without assigning any reasons as to his dissatisfaction over the explanation

submitted by the petitioner, the 3rd respondent has issued the impugned proceedings suspending the authorization of the petitioner, which is against the principles of natural justice. In ***K. Prabhavathi v. State of A.P., represented by its Principal Secretary and others***¹, it was observed as under:

“11. Since the appointing authority acts as a quasi judicial authority, he must give cogent reasons specifying the need for placing the dealer under suspension pending disciplinary enquiry. The mere cryptic order that the report of the inspecting authority reveals a prima-facie case against the petitioner of his committing certain irregularities and thereby violating the Control Order, 2018 is not sufficient to justify suspension. The suspension order shall not just signify the subjective satisfaction of the Officer but it should demonstrate compulsive need for suspension. It should be noted that not all follies of a dealer, invariably require his suspension pending enquiry. Therefore, appointing authority must carefully differentiate between the prima-facie case for holding disciplinary enquiry and a compulsory case which requires not only disciplinary enquiry but also suspension pending enquiry.”

9. Even this Court, in ***K. Sumathi Vs. State of Andhra Pradesh***², under similar circumstances 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.

¹ 2020 SCC OnLine AP 755

²2016 (3) ALT 10 (S.B.)

10. 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.

11. In the result, the writ petition is allowed and the impugned proceedings dated 11.07.2025 are set-aside and the matter is remanded back to the 3rd respondent to reconsider the explanation submitted by the petitioner on 08.07.2025 and to pass a reasoned order within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending, if any, shall also stand closed.

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Sd/- M. RAMESH BABU
DEPUTY REGISTRAR



SECTION OFFICER

To,

1. The Principal Secretary, Civil Supplies Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi Guntur District.
 2. The Collector Civil Supplies, Prakasam District at Ongole.
 3. The Revenue Divisional Officer, Ongole, Prakasam District.
 4. Tashildar, Tanguturu Mandal, Prakasam District.
 5. The Enforcement Deputy Tahsildar, Singarayanakonda, Prakasam District.
 6. One CC to Sri Tenepalli Niranjan, Advocate [OPUC]
 7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh [OUT]
 8. Two CD Copies
- Cnr

HIGH COURT

DATED:12/08/2025

**ORDER
WP NO. 21084 OF 2025**



**ALLOWING THE W.P.
WITHOUT COSTS**