

APHC010606932025



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

[3333]

TUESDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 31455/2025

Between:

1.KONDROTHU ESWARA RAO, S/O NEELAKANTAM, AGED ABOUT 38 YEARS, OCC F.P SHOP DEALER, F.P.SHOP NO.0223029, R/O. PATTIKAYAVALASA VILLAGE, CHEEPURUPALLI MANDAL, VIZIANAGARAM DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY, TO GOVERNMENT, CIVIL SUPPLIES DEPARTMENT AT SECRETARIAT, VELAGAPUDI AMARAVATI, GUNTUR DISTRICT.

2.THE JOINT COLLECTOR, VIZIANAGARAM DISTRICT

3.THE REVENUE DIVISIONAL OFFICER, CHEEPURUPALLI, VIZIANAGARAM DISTRICT

4.THE TAHSILDAR, CHEEPURUPALLI MANDAL VIZIANAGARAM DISTRICT.

5.CIVIL SUPPLIES DEPUTY TAHSIDAR, CHEEPURUPALLI MANDAL, VIZIANAGARAM DISTRICT.

6.SMT K NARAYANAMMA W/O JOGINAIDU, REP BY ITS PRESIDENT SRI DURGA BHAVANI MAHILA PODUPU SANGAM,

PATTIKAYAVALASA VILLAGE, CHEEPURUPALLI MANDAL,
VIZIANAGARAM DISTRICT. R6 IS IMPEADED AS PER THE
COURT'S ORDER DT.20.11.2025 IN I.A.NO.02 OF 2025.

...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 topleased to issue an appropriate Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS to declaring the proceedings of the 3rd respondent passed in Rc.No.332/2025, dated 18.10.2025, suspending the authorization of the petitioner for Fair Price Shop No.0223029, situated at Pattikayavalasa Village, Cheepurupalli Mandal, Vizianagaram District, until further orders without specifying the period of suspension, as illegal, arbitrary, violation of principles of natural justice, without application of mind, unsustainable and contrary to the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 and set aside the same and consequently direct the respondents No. 2 to 5 to release the Essential Commodities to the petitioner for the F.P. Shop No. 0223029 Pattikayavalasa Village, Cheepurupali mandal, Vizianagaram District 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 direct the respondents No. 2 to 5 to release the Essential Commodities to the petitioner for the F.P. Shop No. 0223029 of Pattikayavalasa Village, Cheepurupalli Mandal, Vizianagaram District, pending disposal of the writ petition and to pass

IA NO: 2 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 may be pleased to implead the proposed Respondent as Respondent No.6 in the above writ petition No. 31455 of 2025 in the interest of justice and pass

Counsel for the Petitioner:

1.RAJU GUBBALA

Counsel for the Respondent(S):

1.N ASHWANI KUMAR

2.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

“to issue an appropriate Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS to declaring the proceedings of the 3rd respondent passed in Rc.No.332/2025, dated 18.10.2025, suspending the authorization of the petitioner for Fair Price Shop No.0223029, situated at Pattikayavalasa Village, Cheepurupalli Mandal, Vizianagaram District, until further orders without specifying the period of suspension, as illegal, arbitrary, violation of principles of natural justice, without application of mind, unsustainable and contrary to the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 and set aside the same and consequently direct the respondents No. 2 to 5 to release the Essential Commodities to the petitioner for the F.P. Shop No. 0223029 Pattikayavalasa Village, Cheepurupalli mandal, Vizianagaram District and to pass”

2. The petitioner herein was appointed as a permanent fair price shop dealer of shop No.0223029 situated at Pattikayavalasa village, Cheepurupalli mandal, Vizianagaram district on 23.03.2011 and ever since, he has been distributing essential commodities to the cardholders, without there being any complaint from whomsoever concerned.

3. While the matter stood thus, basing on a complaint made by one Sirli Ganapathi Rao, the inspecting officials inspected the petitioner's fair price shop on 16.07.2025 and as they found certain discrepancies in the stock, they

seized 300 kilograms of fortified PDS rice and 54 packets of sugar each weighing 500 grams. Thereafter, the 4th respondent submitted a report to the 3rd respondent vide Rc.No.257/2025/DT(CS), dated Nil.07.2025. The grievance of the petitioner is that neither the panchanama nor the report of the 4th respondent was submitted to him. As the 3rd respondent stopped supply of essential commodities to the petitioner without there being any adversary orders, the petitioner was constrained to file W.P.No.22847 of 2025, which was disposed of by this Court on 21.09.2025, directing the respondents to supply essential commodities to the petitioner.

4. Pursuant to the same, the petitioner was continued as fair price shop dealer on 28.09.2025 and on the next day, i.e. 29.09.2025, the 3rd respondent issued a show cause notice to the petitioner without framing any charges against the petitioner, but sought explanation from the petitioner as to why his authorization shall not be cancelled. Even in the absence of any charges, the petitioner submitted his explanation on 10.10.2025, subsequent to which, the petitioner's authorization was suspended vide proceedings dated 18.10.2025. Aggrieved by the same, the present writ petition is filed. Pending the writ petition, the 6th respondent, who got appointed as a temporary fair price shop dealer of the subject fair price shop was impleaded vide order dated 20.11.2025.

5. Heard Sri. Raju Gubbala, learned counsel for the petitioner, Sri. N. Ashwani Kumar, learned counsel for the 6th respondent and learned Assistant Government Pleader for Civil Supplies.

6. Perused the entire material available on record. It can be seen that, basing on a complaint made by one Sri. Sirli Ganapathi Rao, the inspecting officials have inspected the petitioner's fair price shop on 14.07.2025 and found variation of (-)270 kilograms of fortified rice and (+) 1 packet of sugar. In view of the said variation, the entire stock present in the petitioner's fair price shop was seized and a report was submitted to the 3rd respondent by the 4th respondent, basing on which, the petitioner was issued a show cause notice on 29.09.2025. A perusal of the show cause notice dated 29.09.2025 would go to show that except reiterating the facts that led to seizure of the commodities and referring to certain clauses of the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018, undisputedly, no charge was framed against the petitioner. The entire show cause notice is silent and does not specify the charge intended to be framed against the petitioner. Without framing any charge against him, the petitioner was directed to submit his explanation within a period of seven days from the date of receipt of the notice.

7. Though no charge was framed against the petitioner, he submitted an explanation on 10.10.2025 duly explaining his grievance. Subsequently, on 18.10.2025, the 3rd respondent, passed the impugned proceedings suspending the authorization of the petitioner. In the said proceedings, the 3rd respondent has stated that the explanation submitted by the petitioner is not convincing, but, the reasons over his dissatisfaction over the explanation dated 18.10.2025 were not mentioned, which is against the principle of law laid down in ***K. Prabhavathi v. State of A.P., represented by its Principal Secretary and others***¹, wherein 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.”

8. Once the petitioner submits an explanation pursuant to a show cause notice, the concerned authorities must evaluate it thoroughly and shall issue a

¹ 2020 SCC OnLine AP 755

reasoned order to justify their actions. Without doing so, the 3rd respondent has issued the impugned proceedings suspending the authorization of the petitioner.

9. Even otherwise, issuing a show cause notice without framing any charge and expecting a reasonable and satisfactory explanation from the petitioner is ludicrous on the part of the 3rd respondent. It is a well known principle that a notice must be given to the person before any adverse action is taken and such notice cannot be vague and ambiguous to the proposed action to be taken so as to apprise the authorities determinatively the cases he has to meet. In other words, the person concerned must be informed of the charges and allegations clearly against him so that he may be able to fully meet these allegations and defend himself .

10. In view of the foregoing discussion, the impugned proceedings dated 18.10.2025 and as well as the show cause notice dated 29.09.2025 are hereby set-aside. It is left open to the 3rd respondent to initiate further course of action, if required under law, by duly framing necessary charges as against the petitioner so as to accommodate him to submit an explanation. Further, the respondents are directed to continue the petitioner as fair price shop dealer of shop No.0223029 situated at Pattikayavalasa village, Cheepurupalli

mandal, Vizianagaram district, until any adverse proceedings are passed against him.

11. Accordingly, with the above direction, this writ petition is allowed. There shall be no order as to costs.

Consequently, miscellaneous applications, pending, if any, shall also stand closed.

JUSTICE V. SUJATHA

Date:09.12.2025

Gss