



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

[3333]

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 38633/2022

Between:

1.MANEPALLI ANURADHA, W/O VENKATA SATYA SAI BABA, AGED ABOUT 55 YEARS, OCC. F.P SHOP DEALER, R/O. DANNANAPETA VILLAGE, NELLIMARLA MANDAL, VIZIANAGARAM DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, CIVIL SUPPLIES DEPARTMENT, SECRETARIAT BUILDING, VELAGAPUDI, GUNTUR DISTRICT, A.P. REP. BY ITS SECRETARY.

2.THE COLLECTOR CS, , VIZIANAGARAM DISTRICT

3.THE JOINT COLLECTOR AND ADDL DISTRICT MAGISTRATE, , VIZIANAGARAM, VIZIANAGARAM DISTRICT

4.THE REVENUE DIVISIONAL OFFICER, , CHEEPURUPALLI SUB-DIVISION, CHEEPURUPALLI, VIZIANAGARAM DISTRICT

5.THE TAHSILDAR, NELLIMARLA MANDAL, VIZIANAGARAM DISTRICT.

6.THE MANDAL CIVIL SUPPLIES OFFICER MCSO, NELLIMARLA MANDAL, VIZIANAGARAM 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 of mandamus or any other appropriate writ or direction

declaring the proceedings of the 4th respondent passed in RC No. 401/2022,S.A, dated 23.11.2022 keeping under abeyance until further orders, the order of restoration passed by the 4th respondent in RC.No.401/2022,S.A, dated 21.11.2022 restoring the petitioner F.P Shop No. 0224025 of Dannanapeta Village, Nellimarla Mandal,' Vizianagaram District as illegal, arbitrary, without application of mind, unsustainable and contrary to the Control Order, 2018 and set aside the same and consequently direct the respondents to release the Essential Commodities to the petitioner for the F.P Shop No. 0224025 of Dannanapeta Village, Nellimarla Mandal, Vizianagaram District in pursuance of the order passed by the 4th respondent in Rc No. 401/2022,S.A dated 21.11.2022 and to pass

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 to direct the respondents to release the Essential Cominodities to the petitioner for the F.P Shop No. 0224025 of Dannanapeta Village, Nellimarla Mandal, Vizianagaram District, for distribution to the Cardholders by suspending the proceedings issued in RC No. 401/2022, S.A, dated 23.11.2022 passed by the 4th respondent, pending disposal of the WP.

Counsel for the Petitioner:

1.TADDI NAGESWARA RAO

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES (AP)

The Court made the following:

HONOURABLE SMT. JUSTICE V.SUJATHA**WRIT PETITION No.38633 of 2022****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 of mandamus or any other appropriate writ or direction declaring the proceedings of the 4th respondent passed in RC No. 401/2022,S.A, dated 23.11.2022 keeping under abeyance until further orders, the order of restoration passed by the 4th respondent in RC.No.401/2022,S.A, dated 21.11.2022 restoring the petitioner F.P Shop No.0224025 of Dannanapeta Village, Nellimarla Mandal, Vizianagaram District as illegal, arbitrary, without application of mind, unsustainable and contrary to the Control Order, 2018 and set aside the same and consequently direct the respondents to release the Essential Commodities to the petitioner for the F.P Shop No.0224025 of Dannanapeta Village, Nellimarla Mandal, Vizianagaram District in pursuance of the order passed by the 4th respondent in Rc No. 401/2022,S.A dated 21.11.2022...”

2. The petitioner was appointed as a permanent Fair Price Shop dealer for Shop No.0224025 of Dannanapeta Village, Nellimarla Mandal, Vizianagaram District by the 4th respondent on 03.08.1997. The authorization of the petitioner's Fair Price Shop has been extended from time to time. It is also the case of the petitioner that the petitioner has been distributing Essential Commodities to the cardholders without there being any complaint from any corner.

3. While the things stood thus, on 05.10.2019 the Deputy Tahsildar (CS) along with Mandal Revenue Inspector inspected the petitioner's Fair Price Shop and on verification found minor variations in the stock for the month of

October, 2019, and accordingly 6A case was booked against the petitioner. Thereafter, the 3rd respondent passed a final order confiscating 100% value of seized stocks.

4. Aggrieved by the same, the petitioner has preferred the appeal before the learned Session Judge, Vizianagaram and the Court remanded the matter to the 3rd respondent for fresh consideration. After remand, the 3rd respondent heard the matter and modified the order of 100% confiscation to 75%, and thereafter requested the 4th respondent to initiate disciplinary action for contravention of the provisions.

5. On 21.11.2022, the 4th respondent imposed a penalty of Rs.5,000/- against the petitioner and warned her to be more careful in future. The petitioner accordingly paid the penalty amount on 22.11.2022 and submitted an application for the 5th respondent seeking changes in the E-pass and other devices for release of stocks to the petitioner's Fair Price Shop. On such representation, the 4th respondent passed the impugned order dated 23.11.2022 keeping the restoration order in abeyance without assigning any reasons. Challenging the same, the present writ petition is filed.

6. When the writ petition came up for admission on 29.11.2022, this Court passed interim order directing the respondents to release the Essential Commodities to the petitioner's Fair Price Shop No.0224025 of Dannanapeta Village, Nellimarla Mandal, Vizianagaram District, for distribution to the

cardholders by suspending the proceedings issued in Rc.No.401/2022, S.A, dated 23.11.2022 passed by the 4th respondent.

7. Heard learned counsel for the petitioner as well as learned Assistant Government Pleader for Civil Supplies.

8. On perusal of the impugned proceedings of the 4th respondent dated 23.11.2022, it is an admitted fact that no reasons have been assigned for keeping the restoration order dated 21.11.2022 under abeyance. Further, no notice has been given to the petitioner before passing such an order, which is admittedly in violation of the principles of natural justice.

9. As seen from the above order dated 23.11.2022, the 4th respondent did not assign any reason for keeping in abeyance the restoration order of the petitioner dated 21.11.2022. Time and again, the Apex Court and this Court issued certain guidelines to be followed for drafting orders.

10. An order passed shall contain the reasoning since the official speaks with authority by his order. The strength of an order lies in its reasoning and it should therefore be convincing. Clarity of exposition is always essential. In the words of Former Chief Justice of the Supreme Court Sabyasachi Mukharji, the requirement of a good order is reason. The weight of an order, its binding character or its persuasive character depends on the presentation and articulation of reasons. Reason, therefore, is the soul and spirit of an order. When an order is passed without reasoning, it is not an order in the eye of law for the reason that the requirement of reasoning is to convey the mind of the

official while deciding such an issue before him. A decision without reasons is like grass without root, the requirement to record reasons is one of the principles of natural justice as well and where a statute required recording of reasons in support of the order, it must be done by the authorities concerned as held by the Apex Court in “**S.M. Mukerji v. Union of India**”¹. In view of the principle laid down in the above judgment, it can be said that the order passed by the 4th respondent is nothing but a slipshod one. Therefore, the same is liable to be set-aside.

11. In the result, the writ petition is allowed and the impugned proceedings dated 23.11.2022 are set-aside. Further, the matter is remanded back to the 4th respondent for fresh consideration of the issue and for passing a reasoned order, in view of the observations made hereinabove. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

Date :01.12.2025

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¹1990 CrL.L.J.2148

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THE HONOURABLE SMT JUSTICE V.SUJATHA**WRIT PETITION NO: 38633/2022**

Date :01.12.2025

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