



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

[3333]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 33815/2025

Between:

1. SMT. KARAKAVALSA LAXMI,, W/O LATE
BRUNDAVANAM, FPS DEALER, F.P. SHOP NO.
0115040, RESIDENT OF SOBHANAPURAM VILLAGE,
KOTTURU MANDAL, SRIKAKULAM DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS
PRINCIPAL SECRETARY CIVIL SUPPLIES
DEPARTMENT, SECRETARIAT BUILDINGS,
VELAGAPUDI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR, SRIKAKULAM DISTRICT

3. THE REVENUE DIVISIONAL OFFICER /
SUBCOLLECTOR, TEKKALI DIVISION, SRIKAKULAM
DISTRICT.

4. THE TAHSILDAR, KOTTURU MANDAL, SRIKAKULAM
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 topleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus declaring the impugned Proceedings Rc. NO.1273/2025/F dated 07.11.2025 issued by the Respondent no.3 terminating the petitioner's authorization as Fair Price Shop Dealer of F.P. Shop No. 0115040, Shobhanapuram Village, Kotturu Mandal, Srikakulam District, as arbitrary, illegal, violative of the principles of natural justice contrary to the provisions and scheme of the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 and consequently set aside the impugned termination order dated 07.11.2025

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 impugned Proceedings Rc. No.1273/2025/F dated 07.11.2025 issued Respondent no.3, terminating the petitioner's authorization as Fair Price Shop Dealer pending disposal of the above Writ Petition

Counsel for the Petitioner:

1.D S SIVADARSHAN

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:-

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

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus declaring the impugned Proceedings Rc. NO.1273/2025/F dated 07.11.2025 issued by the Respondent no.3 terminating the petitioner's authorization as Fair Price Shop Dealer of F.P. Shop No. 0115040, Shobhanapuram Village, Kotturu Mandal, Srikakulam District, as arbitrary, illegal, violative of the principles of natural justice contrary to the provisions and scheme of the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 and consequently set aside the impugned termination order dated 07.11.2025,...”

2. The petitioner being a member of Kranthi Self Help Group was appointed as a Fair Price Shop Dealer for Shop No. 0115040 of Shobhanapuram Village, Kotturu Mandal, Srikakulam District in the year 2017 on temporary basis. The petitioner's authorization was extended from time to time. Since the date of his appointment, the petitioner has been distributing essential commodities to the cardholders without any complaints from any quarter.

3. While so, on 16.10.2025, the inspecting authorities inspected the petitioner's fair price shop and verified the stock

position. During the said inspection, it was allegedly observed that there was a variation of (+46 kgs in Sortex Rice) out of a total stock of 4125 kgs. Basing on the report submitted by the 4th respondent, the 3rd respondent issued a show cause notice on 18.10.2025 calling for an explanation from the petitioner within a period of three days, for which the petitioner submitted his explanation on 23.10.2025.

4. The grievance of the petitioner in the present writ petition is that, though the variation is within the permissible limits as per the clause 29(a) of Andhra Pradesh State Targeted Public District System (Control) Order, 2018, without considering the explanation submitted by the petitioner and without conducting any enquiry as required under the Control Order, 2018, the 3rd respondent has cancelled the petitioner's authorization vide the impugned proceedings dated 07.11.2025. Challenging the same, the present writ petition is filed.

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

6. On perusal of the impugned proceedings dated 07.11.2025, it can be observed that a single charge was framed against the

petitioner and that the alleged variation of (+46 kgs in Sortex Rice) out of a total stock of 4125 kgs is admittedly is within the permissible limits under Clause 29(a) Andhra Pradesh State Targeted Public District System (Control) Order, 2018, it can further be observed that no enquiry has been conducted by the 3rd respondent before passing the impugned proceedings cancelling the petitioner's authorization, which infact is a major punishment.

7. It appears that the impugned order in cancelling the petitioner's Fair Price Shop dealership authorization is based on an enquiry conducted behind the back of the petitioner, which is contrary to Sub-Clause(5) of the A.P.State Public Distribution System (Control) Order, 2008 which has been held to be mandatory by this Court in ***B. Manjula vs. District Collector, Civil Supplies, Kurnool and others***¹ observed as extracted hereunder:

"9. This Court is conscious of the fact that the law discussed above was laid down by the Courts in the context of disciplinary proceedings against Government servants and it may not be possible to adhere to the same rigors of procedure in an enquiry against a fair price shop dealer. However, this Court is of the considered opinion that since

¹ 2015 (4) ALT 572

an order of cancellation of fair price shop visits the dealer with adverse consequences, the appointing authority must adhere to the fundamental Ingredients of an enquiry. The enquiry need not be too elaborate as in the case of a disciplinary proceeding against a Government servant, but it shall follow the basic requirement of an enquiry which in my view must be as described infra.

10. An 'enquiry' pre-supposes an opportunity of personal hearing to the dealer to explain his/her case based on the records such as sales and stock registers. If need be, such enquiry must also include recording the sworn statement of the dealer and witnesses, if any, from his/her side. In cases where either card holders or other persons sent any complaint, they must also be examined in the presence of the dealer or his/her lawyer and the dealer shall be given an opportunity of cross- examining such persons. The licensing /disciplinary authority shall also supply to the dealer all the reports on which he is likely to place reliance to the detriment of the dealer. Unless the dealer has no explanation at all to offer, the licensing/disciplinary authority is bound to hold a detailed enquiry.

11. The experience of this Court reveals that the appointing authorities of fair price shop dealers are dispensing with the requirement of making personal enquiry by summoning the dealers. They are merely relying upon the reports sent by their subordinates i.e., Deputy Tahsildars and Tahsildars, behind the back of the dealers and resting their decisions solely upon those reports. This procedure is anathema to the concept of enquiry which otherwise means affording the dealer an opportunity of a fair hearing."

8. In view of the above discussion and the observation in **B. Manjula vs. District Collector, Civil Supplies, Kurnool and others (supra)**, this Court is of the view that the impugned proceedings dated 07.11.2025 issued by the 3rd respondent is liable to be set-aside.

9. In view of the same, the writ petition is allowed, by setting aside the impugned proceedings dated 07.11.2025, and the matter is remanded back to the 3rd respondent for conducting an enquiry after issuing a fresh notice and affording an opportunity of hearing to the petitioner. Till such time, the respondents are directed to supply essential commodities to the petitioner. The entire process shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date :04.12.2025
LSP

JUSTICE V.SUJATHA