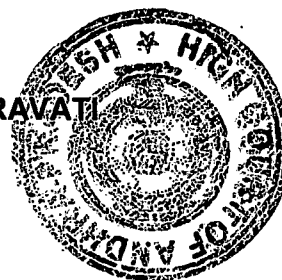


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)



TUESDAY, THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 40228 OF 2012

Between:

Smt. L. Jhansi Rani, W/o Srinivasa Rao, Occ: Fair Price Shop Dealer, Gogulamudi Village, Pedanandipadu Mandal, Guntur District.

...PETITIONER

AND

1. The Govt., of A.P., rep., by its Ex-Officio Secretary, Consumer Affairs, Food and Civil Supplies, Secretariat Building, Hyderabad.
2. The District Collector (Civil Supplies), Guntur District.
3. The Joint Collector (Civil Supplies), Guntur District, Guntur.
4. The Revenue Divisional Officer, Guntur, Guntur District.
5. The Tahsildar, Pedanandipadu Mandal, Guntur 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 or order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the orders in proceedings Rc.No.1998/2010-G, dt.10-1-2010 issued by the 4th respondent and consequential orders in proceedings ACD. No. 42/2010-S7, dt.17-02-2011 passed by the 3rd respondent and the proceedings in Revision Case No.1 of 2011-S7, dated 04.04.2012 passed by the 2nd respondent and the proceedings in Memo No.1136/CS-1(1)/2012-13, dated 01.12.2012 passed by the 1st respondent confirming the cancellation of the authorization of the petitioner, as illegal, arbitrary and unconstitutional and against to the principles of natural justice and contrary to the provisions of APPDS control Order 2008.

I.A. NO: 1 OF 2012(WPMP. NO: 51057 OF 2012)

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 direct the respondents Nos. 4 and 5 to supply the Essential Commodities to the petitioner for distributing the same to the card holders by suspending the orders in proceedings Rc.No.1998/2010-G, dt.10-1-2010 issued by the 4th respondent and consequential orders in proceedings ACD. No. 42/2010-S7, dt.17-02-2011 passed by the 3rd respondent and the proceedings in Revision Case No.1 of 2011-S7, dated 04.04.2012 passed by the 2nd respondent and the proceedings in

Memo No.1136/CS-1(1)/2012-13, dated 01.12.2012 passed by the 1st respondent confirming the cancellation of the authorization of the petitioner, pending disposal of the writ petition.

I.A. NO: 1 OF 2013(WVMP. NO: 571 OF 2013)

Between:

1. The Govt., of A.P., rep., by its Ex-Officio Secretary, Consumer Affairs, Food and Civil Supplies, Secretariat Building, Hyderabad.
2. The District Collector (Civil Supplies), Guntur District.
3. The Joint Collector (Civil Supplies), Guntur District, Guntur.
4. The Revenue Divisional Officer, Guntur, Guntur District.
5. The Tahsildar, Pedanandipadu Mandal, Guntur District.

...Petitioner/Respondent

AND

Smt. L. Jhansi Rani, W/o Srinivasa Rao, Occ: Fair Price Shop Dealer, Gogulamudi Village, Pedanandipadu Mandal, Guntur District.

...Respondent/Petitioner

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 vacate the interim orders granted in W.P.M.P.No.51057 of 2012 in W.P.No.40228 of 2012 dated 31-12-2012.

Counsel for the Petitioner : SRI. KOTI REDDY IDAMAKANTI

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following : ORDER

THE HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION No. 40228 of 2012

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the orders in proceedings Rc.No.1998/2010-G, dated 10.01.2010 issued by the 4th respondent and consequential orders in proceedings ACD No.42/2010-S7, dated 17.02.2011 passed by the 3rd respondent and the proceedings in Revision Case No.1 of 2011-S7 dated 04.4.2012 passed by the 2nd respondent and the proceedings in Memo No.1136/CS-1(1)/2012-13 dated 01.12.2012 passed by the 1st respondent confirming the cancellation of the authorization of the petitioner, as illegal, arbitrary and contrary to the provisions of APPDS Control Order 2008 and to pass such other order or orders as the Court may deem fit.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader appearing for respondents.

3. Considering the submissions and on perusal of the record, this Court passed interim order on 31.12.2012 granting interim direction as prayed for.

4. Subsequently the respondents have filed counter and vacate stay petition and the same was also considered by this Court on 07.6.2013 and the vacate stay petition was dismissed by making the interim order dated 31.12.2012 as absolute.

5. In view of the same, the petitioner has been continuing as fair price shop dealer as on today. As contended by the learned counsel for the petitioner that the respondents have passed the impugned orders only basing on the show cause notice and explanation that to without conducting any enquiry as per clause V(v) of Control Orders 2008 correspondent (4)(8) of Control Orders of 2018.

6. Considering the submissions of the learned counsel for the petitioner, this Court is of the opinion that the impugned orders dated 10.01.2010, 17.02.2011, 04.4.2012 and 01.12.2012 of the respondent nos.4 to 1 respectively are contrary to the directions of this Court. Hence, the impugned orders dated 10.01.2010, 17.02.2011, 04.4.2012 and 01.12.2012 of the respondent nos.4 to 1 respectively are set aside and the respondents are directed to continue the petitioner as Fair Price Shop Dealer of Gogulamudi Village, Pedanandipadu Mandal, Guntur District. However, liberty is

given to the respondents to conduct enquiry and take appropriate action in the matter.

7. Accordingly, the writ petition is disposed of. No costs.

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

//TRUE COPY//

Sd/- N.NAGAMMA
ASSISTANT REGISTRAR
T. Bhargava
SECTION OFFICER

To,

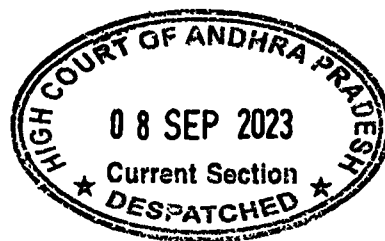
1. The Ex-Officio Secretary, Consumer Affairs, Food and Civil Supplies, Govt., of A.P., Secretariat Building, Amaravathi, Guntur District.
2. The District Collector (Civil Supplies), Guntur District.
3. The Joint Collector (Civil Supplies), Guntur District, Guntur.
4. The Revenue Divisional Officer, Guntur, Guntur District.
5. The Tahsildar, Pedanandipadu Mandal, Guntur District.
6. One CC to Sri. koti Reddy Idamakanti Advocate [OPUC]
7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
8. Two CD Copies

PV
gl

Bhargava

HIGH COURT

DATED:09/05/2023



ORDER

WP.No.40228 of 2012

*106 pgs
PBR
25/7/23*

DISPOSING THE WP WITHOUT COSTS