

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.1122 of 2005

Between:

Smt. P. Laxmi Devi W/o Sreeramulu
R/o Bethamcherla Mandal, Balapalapalli Village, Kurnool District

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool District
- 2 The Revenue Divisional Officer, Kurnool District
- 3 The Mandal Revenue Officer, Bethamcherla Mandal, Kurnool

District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st Respondent in dismissing the appeal vide proceedings Rc. No. CS3/466/2004 dt 30-12-2004 by confirming the proceedings of the 2nd Respondent vide proceedings Rc. B.1464/2004 dt 10-11-2004 without looking into the evidence produced by the petitioner as illegal, arbitrary, malafide against the provisions of Control order 2001 and consequently set aside the same.

Counsel for the Petitioner:MR.K.V.CHALAPATHI RAO

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

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ORDER:

The authorization of the petitioner as fair price shop dealer was suspended by the Revenue Divisional Officer, Kurnool District, 2nd respondent, through order dated 10.11.2004. It was alleged that the petitioner has resorted to certain irregularities in the matter of distribution of essential commodities. The petitioner preferred an appeal before the 1st respondent. She also filed an application for stay and the 1st respondent rejected the same on 24.11.2004. Thereafter, the appeal itself was dismissed on 30.12.2004. Hence, this writ petition.

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

The authorization of the petitioner was suspended obviously pending enquiry by the 2nd respondent. The petitioner preferred an appeal under Clause 20 of the A.P.State Public Distribution System Control Order, 2001. The application for stay was rejected. The petitioner filed W.P.No.21767 of 2004 aggrieved by the same. The writ petition was disposed of on 29.11.2004, directing that the order of suspension shall stand stayed, pending disposal of the appeal. The appeal itself was rejected by the 1st respondent through order, dated 30.12.2004. Though several contentions have been urged on behalf of the petitioner, it is evident that the 1st respondent passed a reasoned and detailed order refusing to interfere with the order of suspension passed by the 2nd respondent. It is not as if, there did not exist any basis for the 2nd respondent in suspending the authorization of the petitioner. The final action to be taken against the petitioner has to be decided after considering the explanation that may be submitted by the petitioner in response to the show cause notice.

Having regard to the nature of allegations against the petitioner, this Court is not inclined to interfere with the order passed by the 1st respondent.

Hence, the writ petition is disposed of. The 2nd respondent is directed to conclude the proceedings initiated against the petitioner, within a period of six weeks from the date of receipt of this order. There shall be no order as to costs.

31.01.2005

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To

- 1 The Joint Collector, Kurnool District
- 2 The Revenue Divisional Officer, Kurnool District
- 3 The Mandal Revenue Officer, Bethamcherla Mandal, Kurnool

District.

4. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad

(OUT).

5. Two CD copies.

