

APHC010105222026



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

[3332]

MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 6133/2026

Between:

1.M ADINARAYANA, S/O M.CHINNAPPAIAH, AGED ABOUT 53 YEARS, TEMPORARY FAIR PRICE SHOP DEALER, F.P.SHOP NO. 1257060, KAGGALLU VILLAGE, HINDUPURAM MANDAL, SRI SATHYA SAI DISTRICT

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, CONSUMER AFFAIRS, FOOD AND CIVIL SUPPLIES DEPARTMENT, AT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT 522238
- 2.THE REVENUE DIVISIONAL OFFICER, , PENUKONDA, SRI SATHYA SAL DISTRICT 515110
- 3.THE TAHSILDAR, , HINDUPURAM MANDAL, SRI SATHYA SAI DISTRICT 515110

...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 Writs, Order or Direction, declaring and setting aside the Order dated 29.11.2025 in Rc.No.2851/2025/C on the file of the 2nd Respondent herein, as illegal, arbitrary, unconstitutional, violative of principles of natural justice and contrary to the provisions of APSTPDS (Control) Order, 2018 and pass

IA NO: 1 OF 2026

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 issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring and setting aside the Order dated 29.11.2025 in Rc.No. 2851/2025/C on the file of the 2nd Respondent herein, as illegal, arbitrary, unconstitutional, violative of principles of natural justice and contrary to the provisions of APSTPDS (Control) Order, 2018 and pass

Counsel for the Petitioner:

1.N RANGA REDDY

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

Assailing the order dated 30.01.2026 passed by respondent No.2 in Rc.No.2851/2025/C, whereby the petitioner was terminated from the dealership of Fair Price shop No.1257060 of Kaggalu village, the present Writ Petition has been filed.

2. Heard Sri N.Ranga Reddy, learned counsel for the petitioner and Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies appearing for the respondents.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that earlier the authorities, on the alleged ground of irregularities committed by the petitioner, had issued a show cause notice, to which the petitioner submitted his explanation. However, without considering the said explanation and without conducting a proper enquiry, the authorities, in a mechanical way, terminated the petitioner's dealership of the subject shop. Aggrieved thereby, the petitioner filed Writ Petition No.34133 of 2025 and a Coordinate Bench of this Court allowed the said Writ Petition by setting aside the proceedings dated 29.11.2025 issued by respondent No.2 and remitting the matter for conducting a fresh enquiry, duly considering the explanation submitted by the petitioner on 10.11.2025 and the statements furnished by him on the same date pertaining to the cardholders. He further submitted that based on certain complaints alleged to have been given by some cardholders, respondent No.3 submitted a report to respondent No.2. Pursuant thereto, a show cause notice dated 31.12.2025 was issued by

respondent No.2 calling upon the petitioner to submit his explanation and to attend personal enquiry. The said notice also refers to the earlier order of this Court in Writ Petition No.34133 of 2025, dated 08.12.2025 directing to conduct fresh enquiry. He further submitted that the petitioner attended the enquiry and submitted his detailed explanation dated 20.01.2026. However, respondent No.2, without properly considering the explanation, without conducting a fair and reasoned enquiry as contemplated under law and in accordance with the directions of this Court in earlier Writ Petition, without affording an opportunity to cross examine the complainants, without furnishing copies of statements relied upon by the authority, without providing an effective opportunity of hearing and without recording independent findings, issued the impugned order terminating the petitioner's dealership. In the above facts and circumstances, the impugned order has been passed contrary to law and in clear violation of principles of natural justice. Hence, prayed to allow the Writ Petition.

4. On the other hand, learned Assistant Government Pleader placed on record the letter addressed by the Revenue Divisional Officer *vide* Rc.No.2851/2025/C dated 06.03.2026 and submitted that there is neither illegality nor procedural irregularity in passing the order impugned. He further submitted that pursuant to the orders of this Court in Writ Petition No.34133 of 2025, respondent No.2 issued a show cause notice, dated 31.12.2025 to the petitioner. The same was received by the petitioner on 02.01.2026 and he submitted his explanation on 20.01.2026. He further contended that notices

were issued to the cardholders and accordingly they appeared before respondent No.2 on 07.01.2026 and submitted their statements. Upon conducting the enquiry and on perusal of the statements of the cardholders recorded on 05.11.2025 and 07.01.2026, it was observed that the Fair Price shop dealer was residing at Hindupur, which is about 6.5 Km away from the Fair Price shop and was not maintaining the prescribed shop timings and was also not supplying essential commodities at the door steps of the cardholders who are above 65 years of age and those who are physically handicapped. He further contended that the report of the Tahsildar, Hindupur, complaint petitions of the cardholders, the statements of the cardholders were furnished to the petitioner along with show cause for his reference. He further submitted that the petitioner has an effective alternative remedy of appeal before the District Collector within 30 days from the date of receipt of impugned order, however, without availing the said statutory remedy, the petitioner has directly approached this Court. He further contended that the petitioner has not made out any valid grounds to bypass the said alternative remedy and the Writ Petition, being devoid of merits, is liable to be dismissed.

5. Perused the material available on record and considered the submissions made by learned counsel for the parties.

6. It is not in dispute that the earlier order of termination dated 29.11.2025 was set aside by a Coordinate Bench of this Court, with a specific direction to respondent No.2 to conduct a fresh enquiry by duly considering the explanation submitted by the petitioner and the statements furnished by him

on the same date pertaining to the cardholders and that the said process shall be completed within a period of four weeks from the date of receipt of a copy of the order. As per said order, the authority was obligated to conduct a fair, proper and reasoned enquiry in compliance with the said directions.

7. However, a perusal of the impugned order reveals that though a show cause notice was issued and an enquiry was purportedly conducted, the procedure adopted by respondent No.2 does not satisfy the requirements of a fair enquiry. The material on record discloses that the statements of the complainant cardholders, which form the basis of the impugned order, were not furnished to the petitioner in a meaningful manner so as to enable him to disprove the same. Perusal of the impugned proceedings does not disclose as to when the said statements of the cardholders were furnished to the petitioner. Further, no opportunity was afforded to the petitioner to cross-examine the complainants.

8. The Division Bench of this Court in ***B.Manjula v. District Collector***¹, observed as follows:-

“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 licencing /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.

¹ 2015(3) ALD 617

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.

As regards the second mandatory requirement under sub-clause (5) of Clause 5, namely; reasons to be recorded in writing, reasons constitute the heart and soul of a decision. In Madhya Pradesh Industries Ltd. Vs. Union of India and others , the Supreme Court, while dealing with an order passed by the Central Government under Rule 55 of the A.P. Mineral Concession Rules 1960, emphasized on the need for giving reasons in support of the order. The Supreme Court inter alia held that the condition to give reasons introduces clarity and excludes or at any rate minimises arbitrariness; it gives satisfaction to the party against whom the order is made; and it also enables an appellate or supervisory Court to keep the Tribunals within bounds.

13. In G. Vallikumari v. Andhra Education Society and others, the Supreme Court, at para-19, held:

The requirement of recording reasons by every quasi-judicial or even an administrative authority entrusted with the task of passing an order adversely affecting an individual and communication thereof to the affected person is one of the recognized facets of the rules of natural justice and violation thereof has the effect of vitiating the order passed by the authority concerned."

9. It is a settled principle of law that when an adverse order is sought to be passed based on statements of third parties, the affected party must be afforded an opportunity to test the veracity of such statements by way of cross-examination. Denial of such an opportunity amounts to violation of the principles of natural justice.

10. Further, this Court also finds that the impugned order does not reflect proper consideration of the explanation submitted by the petitioner. The order appears to have been passed in a mechanical manner, without recording independent findings on the issues raised by the petitioner and without demonstrating due application of mind. Therefore, the impugned order is illegal and contrary to the principle of natural justice i.e., *audi alteram partem*.

11. In so far as the contention of the learned Assistant Government Pleader with regard to availability of alternative remedy of appeal under the Control Order, 2018 is concerned, it is well settled law that existence of an alternative remedy is not an absolute bar for exercising jurisdiction under Article 226 of the Constitution of India, particularly when the impugned order is passed in violation of the principles of natural justice. In the present case, since the impugned order is vitiated on the said ground, this Court is inclined to exercise its writ jurisdiction.

12. In view of the foregoing discussion and applying the principles in the law laid down supra to the present facts of the case, since violation of principles of natural justice is apparent on the face of the impugned proceedings, no counter is required to be invited and even if counter is filed, the order would remain the same. Hence, this Court, without expressing any opinion on the merits, is of the view that the matter requires fresh consideration by respondent No.2 after strictly adhering to the principles of natural justice.

13. Accordingly, the Writ Petition is allowed, and the order dated 30.01.2026 passed by respondent No.2 in Rc.No.2851/2025/C is hereby set aside. The matter is remitted to respondent No.2 for conducting a fresh enquiry strictly in accordance with law and in compliance with the principles of natural justice. The petitioner shall be furnished with all the material relied upon by the authority including statements of the cardholders, and shall be afforded a reasonable opportunity of hearing, including an opportunity to cross-examine the complainants, if so requested. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

09.03.2026

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO. 6133 of 2026

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