

(2015) 06 AP CK 0059
In the Andhra Pradesh High Court
Case No : WP No. 8572 of 2011

D. Pulla Reddy and Others	Vs	APPELLANT
Government of Andhra Pradesh and Others		RESPONDENT

Date of Decision : 01-06-2015

Acts Referred:

Citation : (2015) 5 ALD 24

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : L.V.S. Naga Raju, Counsel, for the Appellant

Final Decision : Allowed

Judgement

C.V. Nagarjuna Reddy, J—This writ petition is filed by fair price shop dealers, who are five in number, assailing the order in CCS Proceedings Bearing No. N1/842/2010, dated 3.3.2011, of respondent No. 2, whereby he has confirmed the order in Proceedings Bearing No. CSI/1919/2010, dated 4.11.2010, of respondent No. 3. The brief facts leading to filing of the case are that the petitioners are fair price shop dealers. By his proceedings, dated 4.11.2010, respondent No. 3 has ordered bifurcation of the fair price shops held by them. Feeling aggrieved by the said order, they have filed a common statutory appeal before respondent No. 2. By the above-mentioned impugned order, respondent No. 2 has dismissed the appeal, thereby confirming the order of respondent No. 3.

2. A perusal of the impugned order shows that the same is wholly cryptic and bereft of any reasons whatsoever. All that respondent No. 2 has stated in the operative of his order is as follows:

"The appeal is taken on file and the records were ascertained from the Collector (CS), Mahabubnagar District and the case is posted for hearing on 26.2.2011 at 11.00 a.m. The Counsel for the appellant is present. He has not submitted any new grounds other than in the affidavit of appeal. After perusing the written

arguments on the bifurcation orders issued by respondent-1, I find that the bifurcation made in respect of the F.P. Shops pertaining to all other appellants is in accordance with the Orders of the Government in G.O. Ms. No. 35, dated 17.9.2007 whereas the F.P. Shop pertaining to the appellant at Sl. No. 3 i.e., Sri K. Sangamaiah, S/o Balaiah, F.P. Shop Dealer, Peddadhagada Village is not in accordance with the said GO. Hence I find no reason to interfere into the orders of bifurcation or on the further proceedings in respect of the appellants mentioned at Sl. Nos. 1, 2, 4, 5 and 6 except the appellant mentioned at Sl. No. 3. I allow the appeal in respect of the appellant at Sl. No. 3 of the appeal"

3. At the hearing, the learned Government Pleader for Civil Supplies while fairly conceding that no specific reasons have been assigned by respondent No. 2 to distinguish the petitioners' cases from the case of Sri K. Sangamaiah, however, sought to support the impugned order of respondent No. 2 with the reasons mentioned in the counter-affidavit.

4. I am afraid, the reasons contained in the counter-affidavit cannot be looked into, for, the law is well settled that the reasons contained in the orders passed by quasi judicial or administrative authorities affecting the rights of the parties cannot be supplemented by way of affidavits (See Commissioner of Police, Bombay Vs. Gordhandas Bhanji, AIR 1952 SC 16 : (1952) 1 SCR 135 and Mohinder Singh Gill and Another Vs. The Chief Election Commissioner, New Delhi and Others, AIR 1978 SC 851 : (1978) 1 SCC 405 : (1978) 2 SCR 272).

5. In view of this undisputed legal position, the impugned order cannot be sustained and the same is accordingly quashed. Respondent No. 2 is directed to reconsider the appeal of the petitioners and pass a fresh order by giving detailed reasons after hearing the petitioners afresh.

6. The writ petition is allowed accordingly. As a sequel to disposal of the writ petition, WP MP No. 10648 of 2011 shall stand disposed of as infructuous.