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APHC010510112025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3329]**
(Special Original Jurisdiction)

WEDNESDAY,THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 26261/2025

Between:

1. SHAIK SHAMSHEER, S/O PEDDA MASTAN VALI R/O D.NO. 3-5I-10A, LAM VILLAGE, GUNTUR, GUNTUR DISTRICT, AP-522034

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE PRINCIPAL SECRETARY, HEALTH, MEDICAL AND FAMILY WELFARE DEVELOPMENT SECRETARIAT, VELAGAPUDI, ANDHRA PRADESH
2. THE SOCIETY FOR ELIMINATION OF RURAL POVERTY SERP, REP BY ITS CHIEF EXECUTIVE OFFICER, 2ND FLOOR, NTR ADMINISTRATIVE BLOCK, PANDIT NEHRU BUS STATION, VIJAYAWADA, ANDHRA PRADESH - 520001.

3. THE DISTRICT COLLECTOR, COLLECTOR OFFICE ROAD, NAGARAM PALEM, GUNTUR, GUNTUR DISTRICT, AP-522004

4. THE PROJECT DIRECTOR, DISTRICT RURAL DEVELOPMENT AUTHORITY (DRDA) SWASAKTHI BUNGLOW ROAD, OPPOSITE IB, NAGARAMPALEM, GUNTUR CITY, GUNTUR DISTRICT, AP-522004

5. THE GUNTUR DISTRICT WOMEN MUTUALLY AIDED COOPERATIVE THRIFT AND CREDIT DISTRICT, FEDERATION LIMITED, REP BY ITS PRESIDENT SMT KUMBHA PADMA W/O YELAMANDA, SWASHAKTI BUILDING, OPP I B, GUNTUR CITY AND DISTRICT AP-522004

6. THE STATE OF ANDHRA PRADESH, REP. BY PRINCIPAL SECRETARY PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPT SECRETARIAT, VELAGAPUDI, GUNTUR DIST

...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 tomay be pleased to issue Writ or Order or Direction more particularly the one in the nature Writ of Mandamus declaring the inaction of the Respondents 2 to 4 in taking necessary steps on the representations of the Petitioner dated 19-09-2025 and to protect the petitioner from being illegally evicted from the 3 Medical Shops Viz Jeevan Dhaara Generic Medical Shop at Guntur General Hospital GGH Compound and two Anna Sanjivini Generic Medical Shops one at Fever Hospital, Guntur and another at Chaitra Trust Hospital, Gorantla Guntur in GGH, Fever Hospital and Chaitra Trust, Guntur by the 5th respondent which were allotted to the petitioner in accordance to the resolution dated 26.10.2024 as illegal, arbitrary, high handed, and against to the principles of natural justice and consequentially to direct the Respondents 2 to 4 to give necessary directions to the 5th respondent to continue the Petitioner to do the business in the said three medical shops till 25.10.2029 as per the terms and conditions of the resolution dated 26-10-2024 passed by the 5th Respondent and to pass such

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 For the reasons stated in the affidavit filed in support of the main WP, it is hereby prayed to pass Interim orders directing the 5th Respondent to stay all further proceedings in evicting the Petitioners from the allotted 3 Generic Medical Shops pending disposal of the Writ Petition and to pass such other order or orders which the Hon'ble Court deems just and proper in the circumstances of the case and to pass such

Counsel for the Petitioner:

1. V.V.L.N.PURNESH

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. GP FOR MEDICAL HEALTH FW
3. SUBBA RAO KORRAPATI
4. HARI BABU MAGULURI SC For SERP

The Court made the following:

HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.26261 OF 2025

ORDER:-

1. This writ petition is filed under Article 226 of the Constitution of India, to issue Writ of mandamus declaring the inaction of Respondent Nos.2 to 4 in taking necessary steps on the representations of the petitioner dated 19.09.2025 and to protect the petitioner from being illegally evicted from the three medical shops viz. Jeevan Dhaara Generic Medical Shop at Guntur General Hospital Compound and two Anna Sanjivini Generic Medical Shops one at Fever Hospital, Guntur and another at Chaitra Trust Hospital, Gorantla Guntur by the 5th respondent which were allotted to the petitioner in accordance with the resolution dated 26.10.2024 as illegal, arbitrary and consequently to direct Respondent Nos.2 to 4 to give necessary directions to the 5th respondent to continue the petitioner to do business in the said three medical shops till 25.10.2029 as per the terms and conditions of the resolution dated 26.10.2024 passed by the 5th respondent.

2. The brief facts of the case are that the District Federation, functioning under the supervision of the District Collector, Guntur, and the

Project Director, DRDA, operates three generic medical shops for the benefit of poor and needy persons by supplying high-quality generic medicines manufactured by reputed pharmaceutical companies at affordable prices. Pursuant to a resolution passed by the Executive Committee of the District Federation on 26.10.2024, the petitioner, being the son of a member of the Islam Self Help Group of Lam Village, Tadikonda Mandal, Guntur District, was unanimously entrusted with the management of the aforesaid three generic medical shops for a period of five years, i.e., from 01.10.2024 to 30.09.2029.

3. While the petitioner has been discharging his responsibilities in accordance with the said resolution, the 5th respondent, acting under the influence of third parties, proposed to entrust the management of the three generic medical shops to one Sheikh Rahmat of Pedaparimi Village, who is presently pursuing his college education, without issuing any prior notice to the petitioner or affording him an opportunity of being heard. Such action was initiated despite the subsistence of the petitioner's valid tenure up to 30.09.2029.

4. Aggrieved by the arbitrary and illegal action of the respondents, the petitioner submitted a representation dated 19.09.2025 requesting

intervention and protection of his rights under the resolution dated 26.10.2024. However, the said representation has not been considered till date. Respondent Nos. 2 to 4, who exercise supervisory and administrative control over the 5th respondent, have failed to take appropriate steps to prevent the 5th respondent from proceeding with the aforesaid arbitrary action despite being apprised of the matter through the petitioner's representation dated 19.09.2025. Hence, the present Writ Petition.

5. No counter affidavit is filed on behalf of the respondents.

6. During the course of hearing, Sri V.V.L.N. Purnesh, learned counsel for the petitioner, submitted that Respondent No.5 passed a resolution on 30.09.2021 entrusting the petitioner with the operation, maintenance, and management of three Jeevanadhara Medical Shops allotted to Respondent No.5 by the District Level Committee pursuant to G.O.Ms.No.54 dated 14.03.2011. In terms of the said resolution, the petitioner duly complied with all contractual conditions and successfully managed the three medical shops for a period of three years up to 30.09.2024. Upon being satisfied with the petitioner's performance, proper maintenance of the shops, and regular payment of rent, Respondent No.5, by a subsequent resolution dated 26.10.2024, renewed and extended the contract in favour of the petitioner for a further period of five years, i.e., from 01.10.2024 to

30.09.2029, while enhancing the monthly rent to Rs.1,50,000/-. Since then, the petitioner has been continuously managing the three generic medical shops in accordance with the terms of the contract and without any complaint from any quarter.

7. Learned counsel further submitted that, despite the subsistence of the petitioner's contractual tenure under the resolution dated 26.10.2024, Respondent No.5 is attempting to dispossess the petitioner from the management of the three generic medical shops without issuing any notice, affording any opportunity of hearing, or passing any resolution authorizing such action. According to the learned counsel, the proposed action of Respondent No.5 is arbitrary, illegal, and in gross violation of the principles of natural justice and due process. He further submitted that the petitioner, along with the employees working in the said medical shops, submitted a representation dated 19.09.2025 to Respondent No.2, who is the Chairman of the District Level Committee, bringing to his notice the attempts being made by Respondent No.5 to dispossess the petitioner contrary to the resolution dated 26.10.2024 and requested his intervention to restrain Respondent No.5 from taking any coercive steps. However, no action has been taken on the said representation. Therefore, the action of Respondent No.5 is contrary to the provisions of G.O.Ms.No.54 dated

14.03.2011, the resolution dated 26.10.2024, and the settled principles of natural justice.

8. Learned counsel for the petitioner further contended that the present writ petition is maintainable under Article 226 of the Constitution of India. He submitted that the subject medical shops are being operated for the public purpose under the aegis of Respondent No.5, namely, the District Self Help Group Federation, and that the actions complained of have a public law element warranting judicial review. He further submitted that, despite receipt of the representation dated 19.09.2025, Respondent Nos.2 to 4 have failed to consider and dispose of the same. In such circumstances, the petitioner has no efficacious alternative remedy and is entitled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for redressal of his grievance.

9. The learned Government Pleader for Medical & Health submitted that the Government of Andhra Pradesh issued G.O.Ms.No.49 dated 19.05.2015 with the aim of making branded generic medicines more available to the public at affordable prices and ensuring easy access to medicines for all citizens. The Government Order notes that nearly 35 million Indians are living with less than one dollar a day, making it difficult for many people to afford medicines. Therefore, supplying high-quality

branded generic medicines at lower prices would help address the needs of a large section of the Below Poverty Line families.

10. He submits that, to achieve this objective, retail generic medicine stores were established in Government Hospitals and Trust Hospitals. The operation and maintenance of these stores were entrusted to self-help group federations, such as Mandal Samakhyas, Zilla Samakhyas, Town Level Federations, and District Level Federations, which function under the control of Respondent No.2. It was further submitted that, under G.O.Ms.No.49, these medical stores are to be allotted only to such self-help group federations and not to private individuals. In this regard, the Chairman of the District Level Committee, Guntur, issued proceedings dated 19.05.2016 directing Respondent No.4 to identify and appoint Mandal Samakhyas to run retail medical stores at five locations. Pursuant to these proceedings, the Government General Hospital (GGH), Guntur, issued a letter dated 11.01.2017 allotting premises within the hospital for running a generic medicine store to Respondent No.4, which in turn entrusted the same to Respondent No.5.

11. The Government Pleader argued that the present writ petition is not maintainable. The relief sought is against Respondent No.5, which is a

federation of self-help groups registered under the relevant Public Societies Registration Act, 2001. Respondent No.5 is neither a statutory body nor an organization performing public duties; it functions only for the welfare of its members. It operates independently and is not under the control of the official respondents. Further, the official respondents do not have the authority to exercise control over Respondent No.5. Therefore, since Respondent No.5 is not performing any statutory or public duty, and its actions are not subject to judicial review under Article 226 of the Constitution of India, the writ petition is not maintainable and is liable to be dismissed for lack of jurisdiction.

12. The learned Standing Counsel for Respondent No.2 submitted that the petitioner has defaulted in paying rent to Respondent No.5 and is not currently operating the shop. It was further argued that the petitioner violated the terms and conditions of the resolution passed by Respondent No.5. Since the petitioner breached the contractual conditions and failed to pay the monthly rent, he is not entitled to continue under the contract or claim any right to operate the shop.

13. Heard Sri VVLN Purnesh, learned counsel for the petitioner, Sri M. Hari Babu, learned Standing Counsel for Respondent Nos.2 to 4, learned

Government Pleader for Panchayat Raj for Respondent Nos.3 to 6 and perused the material available on record.

14. Upon consideration of the material placed on record, this Court finds that the dispute raised by the petitioner is essentially between the petitioner and Respondent No.5. The issues complained of do not relate to the powers, functions, or duties of Respondent Nos.2 to 4. It is well settled that disputes arising between a member and a federation, its office-bearers, or any third party are required to be adjudicated before the competent civil forum in terms of Section 23 of the Act. Therefore, the petitioner has an efficacious alternative remedy available under law.

15. A careful perusal of the writ affidavit and the representations submitted by the petitioner reveals that the grievance of the petitioner is directed solely against Respondent No.5, who is allegedly attempting to dispossess him from the three generic medical shops in question. Significantly, there are no specific pleadings or allegations that Respondent Nos.2 to 4 have initiated any action either for the dispossession of the petitioner or for the cancellation of the contract said to have been granted by Respondent No.5. The relief sought in the writ petition is thus exclusively against Respondent No.5.

16. Further, no material has been placed before this Court to show that Respondent No.5 has passed any resolution cancelling the petitioner's contract or issued any proceedings to that effect. The apprehension expressed by the petitioner appears to be based merely on anticipation rather than any concrete action. On the other hand, the contention of the respondents that the petitioner failed to comply with the terms and conditions of the contract and defaulted in payment of monthly rent has been consistently asserted by both the learned Standing Counsel for Respondent Nos.2 to 4 and the learned counsel appearing for Respondent No.5. In such circumstances, Respondent No.5 would be at liberty to take appropriate action in accordance with law and its bye-laws.

17. In the considered opinion of this Court, the controversy involved pertains to the alleged violation of contractual terms and conditions governing the relationship between the petitioner and Respondent No.5. The dispute is therefore civil in nature and does not involve the enforcement of any public duty warranting the exercise of writ jurisdiction under Article 226 of the Constitution of India. This Court finds merit in the contention advanced on behalf of Respondent Nos.2 to 4 that the writ petition is not maintainable.

18. Accordingly, this Court holds that the present writ petition is not maintainable under the extraordinary jurisdiction of this Court. The petitioner is at liberty to work out his remedies before the competent civil forum in accordance with Section 23 of the Act and other applicable provisions of law in the event of any coercive action or any proceedings issued by Respondent No.5. Hence, the writ petition is therefore liable to be dismissed on the ground of maintainability.

19. Accordingly, the writ petition is dismissed. No costs.

20. Consequently, miscellaneous petitions, if any pending, shall stand dismissed.

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JUSTICE VENKATESWARLU NIMMAGADDA

Date: 24.06.2026

SP

Whether the order is:

Speaking	-	Reasoned	Yes
Reportable	No	Non-reportable	Yes

HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO.26261 OF 2025

Date: 24.06.2026

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