

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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W.P.No.30684 of 2013

Between:

Chowdeswari (DWACRA) Group, rep.by its Group Leader – G.R.Manjula.

.. Petitioner

and

The State of Andhra Pradesh, rep.by its District Collector, Chittoor District and two others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28.7.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30684 of 2013

ORDER:

This writ petition is filed challenging the action of respondent No.2 in not releasing the stock to the petitioner in spite of receiving a demand draft, dated 25.9.2013, for an amount of Rs.30,102/-.

2. The petitioner claims that she is working as Group Leader of Chowdeswari (DWACRA) Group. It is her further case that one D.Babitha was appointed as a Fair Price Shop Dealer of Mornapalli Village, V.Kota Mandal, Chittoor District and when she left the village due to her marriage, respondent No.2 entrusted the charge of the said shop to respondent No.3, who is the fair price shop dealer of Danamaiahgaripalli, V.Kota Mandal, Chittoor district, who in turn submitted a representation on 30.10.2008 expressing her inability to run the shop. After receiving the representation, respondent No.2 passed an order on 3.11.2008 permitting the petitioner to run the shop. In those circumstances, the petitioner submitted the demand draft, dated 25.9.2013, for an amount of Rs.30,102/-, but as the stock was not released, the present writ petition is filed.

3. Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies (Andhra Pradesh) appearing for the respondents.

4. A counter-affidavit is filed by the respondents stating that fair price shop No.35 of

Mornapalli Village was being run by one Smt Babitha and as she had married and left the village, the shop was attached to Shop No.34 of Danamaiahgaripalli Village; that as Smt Padmaja, Fair Price Shop Dealer, Danamaiahgaripalli has expressed her inability to run the shop due to financial problems, the shop has been given to Chowdeswari Mahila Group, Mornapalli represented by Smt Manjula as per proceedings, dated 3.11.2008; that Smt Manjula has run the shop upto September, 2013; that during enquiry in the village on 18.10.2013, it has been brought to the notice of the Village Revenue Officer, Thotakanuma and Mandal Revenue Inspector, V.Kota that Smt Manjula has secured job in Karnataka State Health Department and in order to avoid inconvenience to the card holders regarding distribution of essential commodities, the shop has been attached to Shop No.34 of Danamaiahgaripalli Village, represented by Smt Padmaja with her consent in the office proceedings, dated 19.10.2013; that the writ petitioner has represented that she was the 2nd leader in Chowdeswari DWACRA Group, Mornapalli and requested to allot essential commodities, as Smt Manjula - the 1st leader has left to Karnataka State and she was advised that her request shall be considered only after due enquiry, but the writ petitioner has remitted the demand draft on 25.9.2013; that after due enquiry, it has been brought to their notice that she was unmarried during the year 2008 and she was married to one Sankarappa of Avulmarakalagatta Village of Karnataka State during the year 2011 and she is residing with her husband; that she has also misrepresented the facts to the officials of the District Rural Development Agency (D.R.D.A.) and enrolled as Member in Chowdeswari Group during 2011 and hence, she was not allowed to lift the essential commodities.

5. From a perusal of the above averments, it is clear that the writ petitioner has represented that she is the second leader of Chowdeswari (DWACRA) Group, Mornapalli Village and requested to allot essential commodities, as the first leader - Smt Manjula left to Karnataka State. It was stated that her request would be considered only after due enquiry. In the enquiry, it came out that the petitioner was married to one Sankarappa of Avulmarakalagatta Village of Karnataka State in the year 2011 and she is residing with her husband. She misrepresented these facts to the officials of the D.R.D.A. and enrolled as the member in Chowdeswari (DWACRA) Group in the year 2011. In those circumstances only, she was not allowed to lift the essential commodities. In view of the same, the Writ Petition is

devoid of merit and is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

Date: 28.7.2015

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THE HON’BLE SRI JUSTICE A.RAMALINGESWARA RAO

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DATE: 28.7.2015

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