

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

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WRIT PETITION No.16835 of 2015

Between:

Bommali Venkatamma.

....Petitioner

and

The State of A.P., Rep.by its Principal

Secretary, Civil Supplies Department,

Secretariat, Hyderabad, and others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 05.08.2015

SUBMITTED FOR APPROVAL:

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 His Lordship wishes to Yes/**No**

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.16835 of 2015

ORDER:

The case of the petitioner is that she was appointed as a permanent fair price shop dealer of Talagam Village, Vangara Mandal in Srikakulam District in the year 1990 and there is only one shop in the said Village. The authorization of the petitioner was suspended in the year 2004 and challenging the same, she preferred an appeal before the Joint Collector, Srikakulam District, who remanded the matter to the second respondent for reconsideration of the case. After reconsideration of the case, the second respondent passed an order on 18.05.2015 restoring the authorization of the petitioner by imposing a fine of Rs.3,000/-. But, curiously, the said order was revised on 27.05.2015 stating that the petitioner should work as fair price shop dealer of shop No.1, Talagam Village, and allowing the fourth respondent to continue as in-charge of fair price shop No.2, Talagam (vacant). Challenging the said order, the present Writ Petition is filed.

Though sufficient time was granted to the learned Government Pleader, no counter affidavit is filed. However, on the basis of the written instructions received by him, he submits that there are two fair price shops in the Village for which two Self Help groups were acting as fair price shop dealers for the last ten years. The Tahsildar requested to reinstate the petitioner in respect of fair price shop No.1 of Talagam and requested the fourth respondent to continue in respect of fair price shop No.2.

The learned Government Pleader submits that, after suspension of the petitioner's authorization in the year 2004, the distribution of essential commodities was entrusted to two temporary Self Help groups and in those circumstances only, the two Self Help groups were continuing as dealers.

The second respondent is directed to verify the record and if there is only one shop in Talagam Village, the petitioner shall be allowed to continue in respect of the said fair price shop and none else should be allowed to distribute the essential commodities. But, if the record shows that the shop in Talagam Village was already bifurcated under valid orders and two Self Help groups were continuing as fair price shop dealers for the last ten years, the two shops can be continued by entrusting one shop to the petitioner. If there is no record showing proper bifurcation of the shop, the petitioner shall be continued as fair price shop dealer in respect of Talagam Village. Appropriate orders shall be passed after verifying the record by the second respondent, within a period of fifteen days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

05.08.2015

vs

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