

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.9865 of 2011

Date:30.9.2015

Between:

A.Vanisree, W/o A.Prabhugoud

..... **Petitioner**

And:

The District Supply Officer, Ranga

Reddy District and three others.

.....**Respondents**

Counsel for the Petitioner: Mr. V.V.Satish

Counsel for Respondent Nos.1 to 3: GP for Civil Supplies (TS)

Counsel for Respondent No.4: None appeared

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside proceedings, vide Proc.No.C/4488/2010, dated 03.01.2011, of respondent No.2, whereunder he has directed the petitioner to open the fair price shop at Pulimakhtha, H/o Gollur Village, at least thrice a month i.e., on every Monday.

At the hearing, learned Government Pleader for Civil Supplies (Telangana) is unable to place before the Court any provision under which a fair price shop dealer can be compelled to open a

separate fair price shop at any place other than the authorised place for running the same.

From the pleadings of the petitioner, it has come out that while Pulimakhtha Hamlet, within the jurisdiction of Gollur Village, is only 1 km away from that Village, where the petitioner's fair price shop is situated, the other two Hamlets, viz., Venkannaguda is situated 2 kms away and Bhagirathaguda is situated 1 km away from Gollur Village.

This undisputed fact shows that respondent No.2 has shown a favoured treatment to Pulimakhtha Hamlet.

As rightly pleaded by the petitioner, the insistence on opening a fair price shop in Pulimakhtha Hamlet will cause grave hardship to him as, it involves additional expenditure for securing accommodation for storage and distribution of the essential commodities and transport charges. With the meagre commission being paid to the fair price shop dealers, insistence on opening of fair price shops at other places in the nature of branches renders the running of the fair price shop economically unviable and in the absence of any provision under the Andhra Pradesh State Public Distribution System (Control) Order, 2008, for opening branches, the impugned order cannot be sustained and the same is set aside. The Writ Petition is, accordingly, allowed.

As a sequel to disposal of the Writ Petition, WPMP.No.12187 of 2011 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

30th September 2015

DR