

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 10372 OF 2015

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Date: 01-06-2015

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Between:

A.Mamatha

... Petitioner

And

The State of Andhra Pradesh, rep.by its

Secretary, Civil Supplies Department, Secretariat,

Hyderabad and two others.

... Respondents

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 10372 of 2015

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ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer of shop No.1928 of Jagityal Urban, Karimnagar District. While so, the Assistant Grain Purchasing Officer, Karimnagar conducted inspection of the shop on 05-03-2015 and submitted a report to the

Sub-Collector, Jagityal stating that when he inspected the shop, it was noticed that the petitioner was not present and her father was conducting fair-price shop business. It was also mentioned in the said report that her father stated to the Assistant Grain Purchasing Officer that the petitioner went to Hyderabad for three days. On the basis of said report, a show-cause notice was issued on 18-12-2014 stating that the petitioner was not staying in the locality and some beenami person was running the shop. To the said show-cause notice, the petitioner submitted explanation on 12-01-2015 stating that due to her ill-health and on suggestion of the Doctor to take bed rest, her father was distributing the essential commodities temporarily and it was noticed at the time of inspection.

The second respondent issued proceedings dated 17-03-2015 suspending the dealership of the petitioner.

A perusal of the impugned order does not show whether the order of suspension is pending enquiry or for a particular period. In the impugned order, it was stated that the petitioner contravened the provisions of the A.P.State PDS Control Order of 2008 as shown below:

Annexure-1, Para (2(1)	Every authorised FP shop dealer nominated retailer/hawker shall only conduct the business.
G.O.Ms.No.4 CA, F&CS(CS-1) Dept., Dated 19-02-2011 Annexure-para 12 (xiii)	The applicant shall personally run the FP shop and not to run by benami or through an agent. If a woman dealer gets married and in the event of her leaving the village she must relinquish the FP shop dealership.

A reading of the above provision makes it clear that normally the applicant should run the shop personally and not to run by Benami or through an agent. If a woman dealer gets married and in the event of her leaving the village, she must relinquish FP shop dealership. It does not indicate that in case of ill-health of the dealer, some of the family members cannot distribute the essential commodities. In the instant case, the explanation submitted by the petitioner is that for a few days she was advised bed rest and her father was distributing the essential commodities. This is the trivial ground for suspending the dealership of the petitioner. In the circumstances, the proceedings of the second respondent dated 17-03-2015 are set aside.

Accordingly, the writ petition is allowed.

In consequence, the miscellaneous petitions, if any, pending in this writ petition shall stand dismissed. No order as to costs.

A.RAMALINGESWARA RAO, J.

Date: 01-06-2015

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