

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.31785 of 2015

ORDER :

This Writ Petition is filed by petitioner complaining of inaction on the part of respondent nos.2 and 3 in allotting essential commodities and in not permitting him to run Fair Price Shop No.31 of Kanumalacheruvu Village, Bollapalli Mandal, Guntur District.

2. The petitioner's grievance is that he was appointed as Fair Price Shop dealer on a permanent basis, but on account of ill-health, he was forced to apply for leave for one month with effect from 14.04.2014.
3. According to him, the 3rd respondent granted leave for one month making alternative arrangements and the same was also approved by 2nd respondent vide proceedings dt.19.05.2014.
4. The petitioner contends that on the expiry of period of one month, when he requested the 3rd respondent to allot essential commodities to the Fair Price Shop, of which the petitioner is the permanent dealer, the 3rd respondent was not allotting stocks. The petitioner also claimed to have submitted representations on 23.05.2014, 18.09.2014 and 10.12.2014 to respondents. He also stated that he was paying necessary fee for extension of his Fair Price Shop authorization and therefore, he is entitled to run the Fair Price Shop, and respondents cannot deny allotting essential commodities.
5. The learned Government Pleader for Civil Supplies (Andhra

Pradesh) states that even though petitioner had approached with fitness certificate obtained from the Doctor after the lapse of one month period leave, he had not been submitting demand drafts towards cost of essential commodities; and only on that ground the said shop was functioning on in-charge arrangements.

6. On the other hand, the counsel for petitioner refuted the said allegations and stated that even though in writing a request was made to 3rd respondent to issue challans for payment of the amount by way of demand drafts, the 3rd respondent had bluntly refused to do so.
 7. Since admittedly, the permanent dealership granted to petitioner has neither been suspended nor cancelled, on the petitioner willing to pay demand draft towards cost of the essential commodities, the 3rd respondent as well as 2nd respondent are bound to allot stocks to petitioner.
 8. Therefore, the Writ Petition is allowed and respondents are directed to intimate petitioner within a period of one (01) week from to-day the amount to be paid by petitioner for release of essential commodities and issue him the challan, and within one (01) week thereafter the petitioner shall deposit the same with respondents by way of Demand Draft; and on such deposit of Demand Draft/Challan, the stock shall be allotted to petitioner by respondent nos.2 and 3. No order as to costs.
 9. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition, shall stand closed.
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JUSTICE M.S.RAMACHANDRA RAO

Date: 02.11.2015

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