

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7127 of 2012

% 10.06.2015

Between:

D.Vijaya Lakshmi,

W/o D.Mal Reddy

..... Petitioner

And:

\$ The District Collector,

Kadapa District and two others.

.....Respondents

< Gist:

> Head Note:

! Counsel for the Petitioner: Ms S.Kiranmayee
for Sri D.Kodanda Rami Reddy

^ Counsel for the Respondents: AGP for Civil Supplies (AP)

? Cases Referred:

NIL

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For Sri D.Kodanda Rami Reddy

Counsel for Respondents: AGP for Civil Supplies (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside proceedings, vide Ref.No.1(3)/3086/2012, dated 03.03.2012, of respondent No.1, whereby he has bifurcated the petitioner's fair price shop.

The main ground on which the petitioner assailed bifurcation of her shop is that it is patently in contravention of the norms contained in G.O.Ms.No.35, Consumer Affairs, Food & Civil Supplies (CS-1) Department, dated 17.09.2007. The petitioner relied upon Clause-6(v) of the said G.O., which reads as under:

“Rural areas: Each Gram Panchayat (v) should have atleast one F.P. shop with a minimum of 400 BPL cards and 50 APL cards. In case, there are more number of cards in excess of the minimum number of cards i.e., 400 BPL and 50 APL in a village there can be two F.P. shops, provided the total number of BPL cards in that village is not less than 600 and the number of BPL and APL cards should be attached to the two Fair Price Shops equally.”

A perusal of the impugned proceedings of respondent No.1 shows that after bifurcation, the petitioner is left with only 119 cards in all. Thus, the number of cards attached to the petitioner's fair price shop after bifurcation falls nearly four times below the minimum number of cards prescribed by the above reproduced clause. The object behind prescription of minimum number of cards is explained in paragraph-5 of G.O.Ms.No.35, which is as under:

“Government, after careful consideration of the matter, hereby order for rationalisation of existing Fair Price Shops in the State by attaching the required number of cards to each shop for convenience of the card holders in the locality and keeping in view the economic viability of the fair price shop. The following instructions shall be scrupulously followed in the rationalization of the fair price shops.

- a. Rural areas: The number of the Iris based ration cards to be attached to each fair price shop is 400 to 450 BPL and 50 pink cards.”

No doubt, the respondents sought to justify bifurcation of the petitioner's fair price shop on the ground that the card holders of Vaddepalli Village have to travel about 5 kms and that of Kondugaripalle Village have to travel about 3 kms. In my opinion, that by itself would not offer justification for the respondents to bifurcate the petitioner's fair price shop leaving it completely

unviable. If the respondents feel that the essential commodities need to be distributed in the two Villages of Vaddepalli and Kondugaripalle, they can direct the petitioner to arrange such distribution in those Villages on particular days by paying transportation expenses to her.

It needs to be noted that if the fair price shops are not viable, it would inevitably lead to the dealers indulging in malpractices to sustain themselves. By indiscriminate bifurcation of fair price shops on the ground of convenience, the respondents cannot affect the viability of the fair price shops. Unless extraordinary reasons exist for departure from the prescribed norms, the action taken in violation of such norms cannot be sustained.

For the above mentioned reasons, the Writ Petition is allowed and the impugned order is set aside. Liberty is left with respondent No.2 to arrange distribution of essential commodities through the petitioner's fair price shop in the two Villages of Vaddepalli and Kondugaripalle on one day each in a month, subject to payment of transportation expenses to the petitioner.

As a sequel to disposal of the Writ Petition, interim order, dated 15.03.2012, in WPMP.No.9009 of 2012 is vacated and WPMP.No.9009 of 2012 and WVMP.No.2561 of 2012 are disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

10th June, 2015

Note:

LR copy to be marked.

B/o

DR