

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.23007 of 2011

-

07.10.2015

Between:

Dasari Buchi Reddy

.. Petitioner

and

The Government of Andhra Pradesh,
represented by its Principal Secretary,
Civil Supplies, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Parsa Ananth Nageswar Rao

Counsel for the respondents: Government Pleader for Civil Supplies (TS)

The Court made the following:

-

-

-

-

-

ORDER:

This writ petition is filed for a *mandamus* to declare the notification dated 01.08.2011, issued by respondent No.4 for appointing the fair price shop dealer for shop No.2 of Thammadapally Village, Bachannapet Mandal, Warangal District, as illegal and arbitrary.

Mr.Parsa Ananth Nageswar Rao, learned counsel for the petitioner, submitted that he has given up his brief and that the petitioner has taken away the file from him. No one appeared for the petitioner at the hearing and I have heard the learned Government Pleader for Civil Supplies (TS) and perused the record.

The petitioner is the permanent fair price shop dealer of shop No.1 of Thammadapally Village, Bachannapet Mandal, Warangal District. As the permanent fair price shop dealer of shop No.2 died and the vacancy was not filled up, the petitioner was kept as incharge dealer of the said shop in addition to shop No.1. At long last, respondent No.4 has issued the impugned notification, dated 01.08.2011, inviting the applications for filling up the vacancy of dealer for shop No.2. The petitioner has represented to respondent No.3 not to fill up the said vacancy and

instead, to merge both the shops i.e., shop Nos.1 and 2 as the number of cards attached to his shop fall below the minimum number of cards prescribed under G.O.Ms.No.35, dated 17.09.2007. As no response was forthcoming from respondent No.3, the petitioner filed this writ petition.

Though this Court has not granted interim order and only ordered notice, the learned Government Pleader for Civil Supplies (TS) submitted that the vacancy in respect of shop No.2 has not been filled up so far and that the petitioner is being continued as the incharge dealer.

In order to ensure viability of the fair price shops, norm of prescribing minimum number of cards for each fair price shop is prescribed by G.Os. being issued from time to time. Though at the time of filing of the writ petition, G.O.Ms.No.35, dated 17.09.2007, was in force, the same has now been replaced by G.O.Ms.No.55, dated 12.05.2015, which envisages a minimum of 500 BPL cards for each fair price shop in rural areas. As per the petitioner's representation, his shop has only 283 white ration cards and 29 anthyodaya cards, totaling 312 cards.

Therefore, respondent No.3 is directed to consider the petitioner's representation and decide whether shop No.2 is viable and meet the requirements of G.O.Ms.No.55, dated 12.05.2015. Subject to such decision, which shall be communicated to the petitioner, the respondents are entitled to proceed further in the matter of filling up the vacancy of dealer for shop No.2.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.28150 of 2011 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th October, 2015

GHN