

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION NO.33147 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue writ of mandamus declaring the action of respondent Nos.2 and 3 in not supplying the essential commodities to the petitioner's fair price shop, as illegal and arbitrary.

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

3. It is the case of the petitioner that he was appointed as Fair Price Shop dealer of shop No.2805, Prakasham Road, Korutla Village and Mandal, Karimnagar District about 26 years back. It is the further case of the petitioner that he has been distributing the essential commodities to the card holders without any complaint of whatsoever. While so, on 11.8.2016, the Deputy Tahsildar (Civil Supplies), Korutla inspected the shop of the petitioner and allegedly found variation in the stock.

4. The contention of the learned counsel for the petitioner is that the authorization of the petitioner in respect of Shop No.2805 is in subsistence as on today. Learned Assistant Government Pleader submitted that so far the authorization of the petitioner is not suspended. So long as the authorization of the petitioner is subsisting, the respondents are bound to supply essential commodities to the petitioner.

5. The learned counsel for the petitioner has drawn my attention to the Full Bench Judgment of this court in ***Oleti Tirupathamma v District Supply Officer (City), Visakhapatnam***¹ wherein it was held that the licensing authority refusing to supply essential articles to dealer without suspending his licence is illegal.

6. The facts of the case on hand are almost identical to the facts of the case cited supra. It is the grievance of the petitioner that the licensing authority is not supplying the essential commodities to her without suspending or canceling her license.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, the respondent Nos.2 and 3 are hereby directed to supply the essential commodities to the petitioner's Fair Price Shop No.2805, Prakasham Road, Korutla Village and Mandal, Karimnagar District, so long as her authorization is in subsistence.

8. With the above direction, the writ petition is disposed of. The disposal of this writ petition does not preclude the respondents to take any action against the petitioner in accordance with law. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

September 29, 2016
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¹ 2002(1) ALD 577(FB)