

HON' BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.31390 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the third respondent in not supplying the essential commodities to petitioner's Fair Price Shop No.20 of Chennur Village, Dagadarthi Mandal, SPSR Nellore District as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Andhra Pradesh) representing the respondents 1 to 3.

It is the case of the petitioner that she was appointed as Fair Price Shop Dealer in respect of Shop No.20 of Chennur Village, Dagadarthi Mandal, SPSR Nellore District, in the year 2009. It is the further case of the petitioner that she has been distributing the essential commodities to the Card Holders without any complaint whatsoever for all these years. A perusal of the record reveals that on 04.03.2016 at about 10.00 a.m. the Assistant Grain Purchasing Officer, Nellore and Civil Supplies Deputy Tahsildar, Sullurupet, inspected the premises of the petitioner and found variation in the stock.

The contention of the learned counsel for the petitioner is that the authorization of the petitioner in respect of Shop No.20 of

Chennuru Village of Nellore District is in subsistence as on today. Learned Assistant Government Pleader submitted that so far the second respondent has not suspended the authorization of the petitioner. So long as the authorization of the petitioner is subsisting, the third respondent is bound to supply essential commodities to the petitioner.

To substantiate his argument, learned counsel for the petitioner has drawn my attention to the decision 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.

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.

Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, the third respondent is hereby directed to supply the essential commodities to the petitioner's Fair Price Shop No.20 of Chennur village, Dagadarthi Mandal, SPSR Nellore District, so long as her authorization is in subsistence.

With the above direction, the writ petition is disposed of. The disposal of this writ petition does not preclude the

¹ 2002(1) ALD 577(FB)

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

23.09.2016

Note:

Issue C.C. within one week.

B/ o.Rhs.



