

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No. 1418 of 2009

Order:

The petitioner states that he is a physically handicapped person and studied up to 6th class. He was appointed as Fair Price Shop Dealer for Shop No.12 of Rayachoti Town by proceedings dated 06.02.1984. At present he is having 1738 cards of Pink, White and AAY. While so, a show cause notice was issued on 01.12.2008 for further reducing the number of cards. The petitioner submitted a representation, however an order was passed on 19.01.2009 reducing the strength of the cards from 1738 to 1535. Challenging the same, the present Writ Petition is filed.

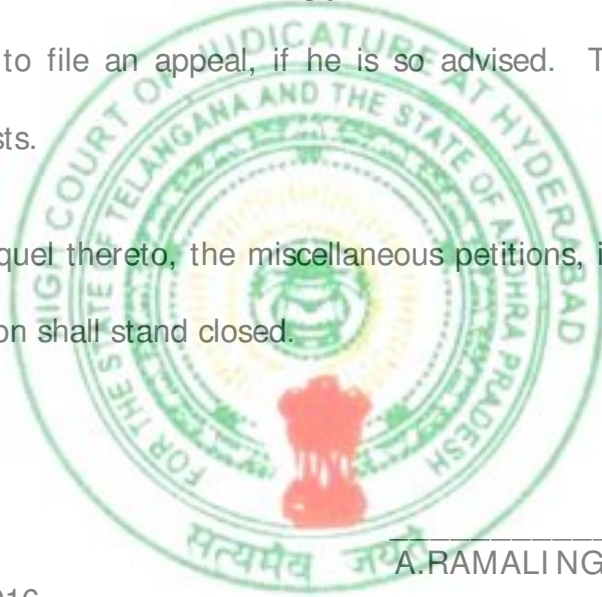
This Court, by order dated 02.02.2009, granted interim stay. Seeking vacation of the same, W.V.M.P.Nos.4218 of 2010 and 2256 of 2012 were filed by the respondents stating that the Revenue Divisional Officer, Kadapa submitted proposals for bifurcation of 11 existing Fair Price Shops including the shop of the petitioner and creation of 10 more new Fair Price Shops in addition to the existing 11 Fair Price Shops. The same was examined with reference to the guidelines issued by the Government vide G.O.Ms.No.35 dated 17.09.2007. Notices were issued to the 11 existing Fair Price Shop dealers and the petitioner filed objections. The petitioner is having 1535 cards and it was felt that there was need for bifurcation. Accordingly, it was ordered to bifurcate Shop No.12 into two shops. As per G.O.Ms.No.35 dated 17.09.2007 the Fair Price Shop located in Municipalities/Erstwhile Taluk Headquarters (Urban) should have a minimum of 500 BPL cards and 250 pink cards. The petitioner is having total 1535 number of cards. The Food Advisory Committee

recommended for bifurcation of the shops and as per their resolution the bifurcation was effected.

In view of the implementation of G.O.Ms.No.35 dated 17.09.2007, which provides for a minimum of 500 BPL cards and 250 Pink cards in respect of Fair Price Shops located in Municipalities/Erstwhile Taluk Headquarters (Urban), and also in view of the resolution passed by the Food Advisory Committee, this Court is not inclined to interfere with the impugned order.

The Writ Petition is, accordingly, dismissed. However, it is open to the petitioner to file an appeal, if he is so advised. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



A.RAMALINGESWARA RAO, J

Date: 27.10.2016
Nsr