THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P. NO. 5188 OF 2008

ORDER:

Heard learned counsel for the parties.

The petitioners are the fair price dealers of Ponugutivalasa village in Srikakulam district. They came to know that the respondents 3 and 4 sent proposals to the second respondent seeking rationalisation of fair price shops in Shanthakaviti mandal and basing on the said proposals, the second respondent issued proceedings on 27.1.2008 ordering rationalization of fair price shops in Santhakaviti mandal and creating a third fair price shop in Ponugutivalasa village by allotting 438 cards to it. The respondents 3 and 4 were accordingly requested to take necessary action for establishing the fair price shops. This writ petition was filed challenging the aforesaid proceedings of the second respondent.

After filing the writ petition, 5th respondent got impleaded in this writ petition vide order dated 13.9.2010 in WPMP No. 27163 of 2008, as she was appointed as a dealer for newly created third fair price shop at Ponugutivalasa village.

Counter-affidavit was filed on behalf of respondents 1 to 4 stating that the Government issued G.O.Ms.No. 35, Consumer Affairs, Food and Civil Supplies (CS-I) Department, dated 17.9.2007 for rationalization of the existing fair price shops in the State by allotting required number of cards to each shop for the convenience of card

holders and keeping in view the economic viability of fair price shops and certain guidelines were framed in the said Government Order. In terms of the said G.O., 3rd respondent-Revenue Divisional Officer, Palakonda sent proposals on 2.12.2007 for bifurcation of the existing two fair price shops of Ponugutivalasa village, Santhakaviti Mandal, Srikakulam district. The proposals were examined by the 2nd respondent-District Collector who issued proceedings dated 27.1.2008 for bifurcation of fair price shops in public interest. After bifurcation, a notification for appointing a dealer for newly created third fair price shop at Ponugativalasa village was issued and the 5th respondent was appointed as dealer of the said fair price shop, by proceedings dated 28.4.2008. In respect of rural areas, it is stated in the aforesaid Government Order that each Gram Panchayat village should have at least one fair price 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 FP shops. In the instant case, according to the counter-affidavit, the first fair price shop was having 543 cards and the second fair price shop was having 771 cards. The said two shops were bifurcated and a new third fair price shop was created by allotting 438 cards to each shop and the said allotment was made in accordance with G.O.Ms.No. 35, Consumer Affairs, Food and Civil Supplies (CS-I) Department, dated 17.9.2007.

Now it is contended by the petitioners that the proceedings issued by the second respondent on 27.1.2008 are contrary to the

norms prescribed in the aforesaid G.O., but they could not show how the bifurcation of fair price shops was contrary to the said norms. In the circumstances, this Court sees no reason to entertain the present writ petition. However, if the petitioners are inclined, they can file an appeal before the Commissioner of Civil Supplies who shall consider the viability of cards and validity of the proceedings, dated 27.1.2008 passed by the second respondent depending upon the factual situation.

The writ petition is accordingly disposed of. Miscellaneous applications, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Dt. 5.1.2017
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