

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION NO.10844 OF 2017

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, assails the action of the fourth respondent-Sub collector, Nuzvid, Krishna District, in conducting written test on 19.03.2017 in connection with notification issued in R.c.No.DT/1030/2016 dated 09.06.2016 for the purpose of bifurcating the shops of the writ petitioners.

Heard Smt. K.Hemalatha, learned counsel for the petitioners and the learned Government Pleader for Civil Supplies for the respondents.

The petitioners herein are the existing Fair Price Shop dealers in Nuzvid revenue division of Krishna District. Earlier, they filed WP.No.19712 of 2016 and batch questioning the notification dated 09.06.2016 issued by the respondents and this Court, while admitting the said Writ Petitions, passed interim order on 24.06.2016 directing the respondents to strictly adhere to and ensure that the existing authorisation shall not be bifurcated/new shops be created without ensuring the minimum number of cards as mandated in G.O.Ms.No.35.

The State Government issued G.O.Ms.35 Consumer Affairs Food & Civil Supplies (CS-1) Department dated 17.09.2007 stipulating certain guidelines while taking up the process of bifurcating of the Fair Price Shops. Paragraph No.5 of the said Government Order reads as under.

“Government after careful consideration of the matter, here by order for rationalization of existing Fair Price Shops in the State by attaching the required number

of card to each shop for convenience of the card holder in the locality and keeping in view the economic viability of the fair price shop. The following instructions shall be scrupulously followed in the rationalization of the fair price shops.

(a) Rural areas: The number of Iris based ration cards to be attached to each fair price shop is 400 to 450 BPL and 50 pink cards.

(b) Urban areas: The number of Iris based ration cards to be attached to each fair price shop is 500 to 550 BPL and 250 pink cards in Municipalities and erstwhile Taluk Headquarters.

(c) Corporations: The number of Iris based ration cards to be attached to each fair price shop is 600 to 650 BPL cards and 400 pink cards.”

In the instant Writ Petition, the submission of the learned counsel for the petitioners is that in those Writ Petitions, this Court directed the respondents to strictly adhere to and ensure that the existing authorisation shall not be bifurcated/new shops be created without ensuring the minimum number of cards as mandated in G.O.Ms.No.35 and that contrary to the same, the respondents herein are proceeding with the process of bifurcation.

On the other hand it is submitted by the learned Government Pleader that the present Writ Petition is not maintainable since there is already a direction from this Court in the earlier Writ Petitions and as the respondents herein are strictly adhering to the Government Order in this regard.

In view of the same, this Court is not inclined to scuttle the further process.

For the aforesaid reasons, the Writ Petition is dismissed, however, with liberty to the petitioners herein to avail the remedy if there is any non-adherence to the earlier orders of this Court.

There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(A.V.SESHA SAI, J)

27th March 2017
RRB

