

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

WRIT PETITION No.10905 of 2018

ORDER:

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

The proceedings of the Revenue Divisional Officer, Tandur-third respondent herein bearing No.I/2270/2016 (I/464/2016), dated 17.03.2018 is under challenge in the present Writ Petition.

The petitioner herein is the dealer of the Fair Price shop No.9 of Tandur Town, Vikarabad District and he was appointed so on 03.06.2017. According to the petitioner, even prior to the authorisation bearing No.1/847/2007, dated 03.06.2017, he had authorisation initially issued in the year 1983. Earlier, vide memo bearing No.D/865/2014 dated 06.09.2016 the Tahsildar, Tandur mandal-fourth respondent herein directed the petitioner herein to shift the said shop to Gandhinagar in Ward No.22 of Tandur town. Assailing the validity of the said memo, dated 06.09.2016, the petitioner herein filed W.P.No.34998 of 2016. This Court, by way of an order, dated 18.10.2016, disposed of the said Writ Petition. The operative portion of the said order reads as under:

“ The petitioner is given liberty to represent to 3rd respondent by enclosing a copy of this order with all the objections/reasons the petitioner has in the matter of shifting the F.P.shop from H.No.5-5-169 to Gandhinagar colony, Ward No.22, within one week from today. The 3rd respondent is directed to consider, examine the issue, take appropriate decision as is warranted in the facts and circumstances of the case, without fail, within a further period of six weeks. The parties are directed to maintain status quo as on date vis-à-vis F.P.shop at 5-5-169 for a period of eight (8) weeks from today”.

Subsequently, on 24.10.2016, the petitioner herein submitted his objections. The Revenue Divisional Officer-third respondent herein, now, by way of the order under challenge, directed shifting of the subject shop to Gandhinagar Colony, Ward No.22 of Tandur.

According to the learned counsel for the petitioner the action impugned is highly arbitrary, illegal and violative of Article 14 of the Constitution of India besides being opposed to the very spirit and object of the provisions of the Public Distribution Control Order, 2001. It is further submitted by the learned counsel that the impugned action is also not in consonance with the orders of the State Government issued vide G.O.Rt.55, Consumer Affairs, Food & Civil Supplies (CSI-CCS) Department, dated 12.05.2015. It is further submitted that the petitioner herein will be put to lot of inconvenience and

hardship as he invested lot of money for establishment of the present shop.

On the other hand, it is submitted by the learned Government Pleader that there is no illegality in the impugned action and only after considering the objections filed by the petitioner herein and as directed by this Court in W.P.No.34998 of 2016, the Revenue Divisional Officer, Tandur-third respondent herein passed the impugned order.

The intention of the Government behind the Public Distribution System is ultimately the convenience of the public. In the instant case, when the petitioner herein was asked earlier, by way of a memo, dated 06.09.2016, to shift the shop to Gandhinagar, he questioned the said action by way of filing W.P.No.34998 of 2016. A perusal of the said order clearly shows that, only on the ground that the respondents herein failed to give opportunity of hearing before resorting to action, this Court directed the respondents to hear the petitioner also. This Court also observed, in the above said order, that the memo impugned therein was more in the nature of administering the Public Distribution System within the jurisdiction of the respondents. There is absolutely no dispute with regard to the reality that, pursuant to the above said order, the petitioner herein submitted objections on 24.10.2016. In the said objections, the

petitioner herein stated that, as per the guidelines of the Government of Telangana, issued vide G.O.Rt.55, dated 12.05.2015, the distance from the residence of the cardholder should be not more than 3 Kms and the distance in all these cases is not more than the same. Apart from the above objection, he also stated about his investment of Rs.70,000/- for obtaining his shop in the earlier premises as security deposit on monthly rent of Rs.1500/- upto March 2018. According to G.O.Rt.55, dated 12.05.2015 the maximum distance is indicated as 3 Kms in the plain areas and there is no minimum distance prescribed therein. As observed supra, the convenience of the card holder is the main criteria for locating the F.P.shops but not that of the Fair Price shop dealers. Even according to the petitioner the lease period in respect of the earlier premises had also come to end by the end of March, 2018. In view of the above reasons, this Court does not find any merit in the present Writ Petition.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

A.V.SESHA SAI,J

03rd April, 2018
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