

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.38849 OF 2018

Date: 31.10.2018

Between:

Saradamma w/o. M.Hanumanthudu, Aged about 36 years,
Occu: FP Shop Dealer of Shop No.6 of Dibbanakal village,
Adoni Mandal, Kurnool district, Andhra Pradesh.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies (CS.I) Department,
Secretariat Buildings, Velagapudi, Amaravathi, Guntur district
and others.

.....Respondents



The Court made the following:

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ORDER:

In this writ petition, petitioner is challenging the notification dated 19.10.2018 calling for applications for the newly created Fair Price Shop No.1323056 of Dibbanakallu village, Adoni Mandal, Kurnool District. Primarily challenge is on the ground that there was existing Fair Price Shop and by bifurcating existing Fair Price Shop, additional shop is now proposed.

2. However, it is appropriate to note that petitioner was granted Fair Price Shop Dealership bearing number above mentioned. By order dated 07.02.2018, authorization to run Fair Price Shop dealership was cancelled. The Appeal preferred by the petitioner was rejected on 06.06.2018. Aggrieved by the order of cancellation and affirmed by the 2nd respondent, petitioner filed W.P.No.19677 of 2018 and said writ petition is pending consideration of this Court.

3. Having regard to the fact that Fair Price Shop dealership granted to petitioner was already cancelled and the issue of said cancellation is pending consideration of this Court, *prima facie*, petitioner cannot challenge the bifurcation of Fair Price Shop in Dibbanakallu village, merely on the ground that she was earlier holding Fair Price Shop, and has no locus standi to challenge the notification to create another Fair Price Shop, unless she succeeds in the writ petition pending before this Court.

4. Further, as petitioner seized to be dealer, challenge to the notification on the ground of non-compliance of principles of

natural justice and/or on the ground of non-fulfilment of the required ration cards to create additional shop is also not valid. This Writ Petition is dismissed. However, it is made clear that appointment/creation of new Fair Price Shop in Dibbanakallu village shall abide the result of Writ Petition No.19677 of 2018. The same shall be informed to prospective Fair Price Shop dealer. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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