

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 39141 of 2018

Date : 1.11.2018

Between:

Smt V Rangamma W/o B Neelakangappa Aged about 58 years
Fair Price Shop Dealer F P Shop No 12 6th Ward Part 1 H No
6/501 Boya Geri Adoni Kurnool District

Petitioner

And

The State of Andhra Pradesh
Civil Supplies Department Secretariat
Velagapudi Amaravathi rep by its Secretary & others

Respondents

The Court made the following:



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ORAL ORDER:

First petitioner is running fair price shop No. 12--6th Ward, Adoni town; second petitioner is running fair price shop No. 56--6th ward Part-II, Adoni town and third petitioner is running fair price shop No.11--5th ward Part-II, Kilchen Pet, Adoni of Kurnool district. Petitioners are aggrieved by the notification issued calling for applications for enlistment of new dealerships in various places including ward Nos. 5 and 6 of Adoni town. Petitioners allege that they are having card holders of approximately 600 only and there is no justification to create additional shops.

2. Learned counsel for petitioners sought to contend that detailed procedure is envisaged by Government in G.O.Ms. No. 35 Consumer Affairs Food & Civil Supplies (CS-1) Department dated 17.9.2007 and said procedure is not followed before creating new fair price shops in ward Nos. 5 and 6 and on account of establishment of one more shop in the respective locations, there would be drastic reduction of card holders causing lot of hardship and suffering to petitioners.

3. On instructions, learned Government Pleader would submit that as petitioners' dealerships are now in urban area, the minimum requirement is only 500 BPL card holders. Earlier there were more than 1100 card holders in those three units, therefore, three new units were created and after creation of three new units, first petitioner shop has 658 enlisted card holders; second petitioner shop has 659 enlisted card holders and third petitioner has 677 enlisted card holders. As the number of card holders are more than the required minimum number stipulated by Government, new fair price shops are created. Learned Government Pleader also submit that new cards are issued and there is

increase in the number of card holders, therefore even new dealers will have enough number of card holders to sustain themselves. Learned Government Pleader placed on record proceedings issued by the District Collector, Kurnool dated 23.8.2018. A cursory reading of the said proceedings would show that detailed exercise was undertaken before creating new shops.

4. Running of fair price shop dealership is based on policy of the Government as notified in G.O.Ms No. 35 dated 17.9.2007. In paragraph 6 of the Government Order, the Government provides that in municipalities fair price shop dealer should have minimum of 500 BPL cards. According to Government assessment, fair price shop dealer with 500 BPL cards can sustain himself and effectively run the fair price shop. This norm is not challenged. Further, even if this norm is not fulfilled, it is open to the Government to create additional fair price shops where the distance between card holders residence and fair price shop already sanctioned is very far. The objective, as can be deduced from the Government Order, is to ensure that fair price shops should be located within the reach of card holders and to ensure smooth supply of essential commodities to the deserving families. Thus, profit motive of fair price shop dealer is not the criteria to create new dealership/locate them. Having regard to the parameters set out in G.O.Ms.No.35 dated 17.9.2007 and particularly when, even according to petitioners, there are more than 500 BPL card holders enrolled with them and crossed the 600 limit, the decision to create new dealerships in ward numbers 5 and 6 of Adoni town, Kurnool district, cannot be faulted. No case is made out for interference and accordingly the writ petition is dismissed. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK

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