

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 39594 of 2018

Date : 12.11.2018

Between:

Mallepogu Jayanna S/o M Pedda Beesana Hindu aged 30
years Occ F P Shop Dealer of Shop No 18 Geetha Mukherji
Nagar Mamidalapadu Village Kurnool Mandal and District
Andhra Pradesh

Petitioner

And

The State of Andhra Pradesh
Rep by its Principal Secretary Civil Supplies Department A P
Secretariat Velagapudi Amaravathi Guntur District AP
Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Civil Supplies and with their consent the writ petition is taken up for disposal at the admission stage.

2. Petitioner is holding fair price shop dealership licence for Shop No. 18, Mamidalapadu village, Kurnool mandal and district. Petitioner is aggrieved by establishment of one more fair price shop in the village. In the writ petition, petitioner is challenging the proposals sent by the District Collector (Civil Supplies)/3rd respondent vide letter dated 23.8.2018 to Commissioner, Civil Supplies/2nd respondent for creation of additional fair price shop. According to learned counsel for petitioner, though there are 911 card holders, many of them are actually not residing in the village and therefore the actual number of card holders who are drawing provisions from the petitioner fair price shop are far less and on creation of another fair price shop, running of his shop would become unviable as only few card holders are taking provisions.

3. As per the records, number of card holders allotted to petitioner's shop are 911. As per the policy of the Government notified vide G.O.Ms.No. 35 Consumer Affairs Food and Civil Supplies (CS-1) Department dated 17.9.2007 whenever there are more than 600 card holders in a village, it is permissible to establish one more fair price shop, however, minimum of 400 card holders should be maintained to each shop. In terms of the said guidelines and as per the assessment of the Competent Authority, since there are 911 card holders, it is permissible to have one more fair price shop, therefore establishing one more fair price shop, per se, cannot be faulted.

4. Though, learned counsel for petitioner contended that actual card holders are less than 911, no material is placed on record to show that there are few card holders who are actually drawing the provisions. It also appears that no representation is made to the Competent Authority in this regard. Thus, leaving it open to the petitioner to make appropriate application to the Competent Authority bringing to its notice that all the card holders are not residing in the village and are not drawing the provisions, the writ petition is disposed of holding the action of the respondents in establishing one more fair price shop as valid. If representation is made to the District Collector (CS)/3rd respondent, he shall examine the complaint on the aspect of card holders not residing in the village and take all further steps in the matter as required. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 12-11-2018
TVK



P NAVEEN RAO,J

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