

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36697 of 2017

O R D E R:

In this writ petition, petitioners challenge the letters, dated 07.10.2017, through which, respondent No.3-Revenue Divisional Officer, Penukonda, Anantapuramu District, directed respondent No.4-Tahsildar, Hindupur to call for the applications to fill up the vacancies on permanent basis in respect of fair price shop Nos.1287061 and 1287062, 17th Ward, and 1287058, 14th Ward of Hindupur Municipality, Anantapuramu District.

The petitioners state that they are fair price shop dealers in respect of shop Nos.1287021 and 1287030 having cards of 1200 and 640 respectively. They state that on account of the impugned letters, number of cards allotted to them would be reduced and as a matter of fact, there is a prohibition to create any new shop on account of the Circular, dated 16.10.2015, issued by the Commissioner of Civil Supplies, A.P., Vijayawada, which is still subsisting. Hence, they pray for setting aside the impugned letters.

Learned Government Pleader for Civil Supplies contends that the Circular, dated 16.10.2015, is no longer in force on account of the subsequent Circular, dated 03.02.2017, whereunder, there was a direction to the District Collectors, Anantapuramu and Guntur, to adhere to the guidelines issued from time to time for bifurcation/rationalisation of fair price shops. He further contends that on an earlier occasion, the Commissioner had directed the authorities to implement

G.O.Ms.No.35, dated 17.09.2007, *vide* communication, dated 25.07.2017, and instructed them to take immediate steps to fill up all vacancies on permanent basis. In view of the same, it would become necessary to bifurcate the cards from the fair price shops of the petitioners and allocate the same to the newly created fair price shops. The bifurcation is being done strictly in accordance with the above said G.O. keeping in view the minimum number of cards allotted to each dealer and ensuring viability not falling below the specified number. Therefore, he prays for dismissal of the writ petition.

The contention of the petitioners that there is a prohibition to create any new shop on account of the Circular, dated 16.10.2015, cannot be sustained in view of further Circular, dated 03.02.2017, wherein there was a direction to undertake rationalisation of fair price shops either by bifurcation or by creation of new shops with the object of ensuring distribution of the scheduled commodities to the needy in most efficient manner.

In those circumstances, the writ petition is dismissed. It is made clear that the bifurcation shall be strictly in conformity with G.O.Ms.No.35, dated 17.09.2007, ensuring no deprivation of the viable cards with the existing dealers.

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

CHALLA KODANDA RAM, J

Dt:07.02.2018
kdl

