

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO
PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO: 34558 OF 2022

Between:

Ramidi Srinivas, S/o Laxmaiah, Occ. Fair Price Shop dealer, Shop No. 2034303,
 R/o.Veenavanka Village and Mandal, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, The Consumer Affairs, Food and Civil Supplies, Secretariat Buildings, Hyderabad.
2. The District Collector (CS), Karimnagar District, Karimnagar.
3. The Revenue Divisional officer, Huzurabad Division, Huzurabad, Karimnagar District.
4. The Tahsildar, Veenavanka Mandal, Veenavanka Proper and Mandal, Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order declaring the proceedings No. G4/10/2021, dated 20-07-2022 and its consequential proc. No. A/807/2022, dated 03-08-2022 issued by the respondents No. 2 and 4, in so far it relates to, for establishing new Fair Price Shop by dividing the existing Fair Price Shop No. 2034303 of the petitioner situated at Veenavanka Village and Mandal, Karimnagar District is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the constitution of India and also contrary to the G.O. Rt. No. 55, dated 12-05-2015. Consequently set aside the same, thereby continue to supply the commodities to the petitioner fair price shop,

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the No. G4/10/2021, dated 20-07-2022 and its consequential proc. No. A/807/2022, dated 03-08-2022 issued by the respondents No. 2 and 4 bifurcating the petitioner fair price shop No. 2034303 of Veenavanka Village and Mandal, Karimnagar District

Counsel for the Petitioner(s): SRI. K VENUMADHAV

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

IA NO: 2 OF 2022

Between:

1. The State of Telangana, represented by its Principal Secretary, The Consumer Affairs, Food and Civil Supplies, Secretariat Buildings, Hyderabad.
2. The District Collector (CS), Karimnagar District, Karimnagar.
3. The Revenue Divisional officer, Huzurabad Division, Huzurabad, Karimnagar District.
4. The Tahsildar, Veenavanka Mandal, Veenavanka Proper and Mandal, Karimnagar District.

...Petitioners/ Respondents

AND

Ramidi Srinivas, S/o Laxmaiah, Occ. Fair Price Shop dealer, Shop No. 2034303, R/o.Veenavanka Village and Mandal, Karimnagar District.

...Respondents/ Petitioners

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated:07/09/2022 in W.P.No.34558 of 2022 and also dismiss the Writ Petition

Counsel for the Petitioner(s): GP FOR CIVIL SUPPLIES

Counsel for the Respondents: SRI. K VENUMADHAV

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.34558 of 2022

ORDER

This Writ Petition is with the following prayer;

"to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, order declaring the proceeding Nos.G4/10/2021, dated 20-07-2022 and its consequential proceedings No.A/807/2022 dated 03-08-2022 issued by respondent Nos.2 and 4 in so far it relates to for establishing new Fair Price Shop by dividing the existing Fair Price Shop No.2034303 of the petitioner situated at Veenavanka Village and Mandal, Krimnagar District, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and also contrary to G.O.R.No.55 dated 12.05.2015 and consequently set aside the same, thereby continue to supply of the commodities to the petitioner's fair price shop".

2. Learned counsel for the petitioner Mr. K. Venumadhav submits that the petitioner's father was appointed as dealer of Fair Price Shop bearing No.2034303 of Veenavanka Village and Mandal, Karimnagar District, in the year 1976 and after his death in the year 2018, the petitioner was appointed on compassionate ground as dealer of the said shop. He submits that the total ration cards allotted to the petitioner's Fair Price Shop are 689 Food Security Cards and 64 Andyodaya Food Security Cards consisting of total 753 ration cards. He submits that the petitioner has been distributing the commodities without any complaint from anybody. He submits that as the Government is supplying rice under Public Distribution Scheme and has discontinued supplying the commodities like sugar, palmolen oil, wheat, kerosene etc., under the said scheme, the income has already

been drastically reduced, as such he is getting income only by supplying the said rice through his fair price shop. He submits that as per G.O.Rt.No.55 dated 12-05-2015, the cards to be allotted to the fair price shop as per clause 3 and as per Clause 5 of the said G.O., the District Collectors have to take into consideration the local situation based on the convenience of the card holders, financial capacity to lift the stocks and also the District Collector has discretion to vary the same slightly. Learned counsel submits that as far as the petitioner's fair price shop is concerned, now by virtue of the said G.O., the said 753 cards are reduced to 447 cards. He submits that in view of the portability system that was introduced by the respondents throughout India, any person can purchase the essential commodities from any shop, as such already the business of the petitioner has come down and by virtue of this bifurcation of the cards and reducing it to 447 cards, it is not viable to run his fair price shop. He submits that the respondents are not rational in reducing the number of the cards to the petitioner's fair price shop.

3. A counter affidavit has been filed on behalf of the respondents stating that this particular shop is in the rural area and as per G.O.Ms.No.55 dated 12-05-2015, the rural areas can be allotted with 500 cards. Taking into consideration the needs of the consumers and as per the growing demand from them, it felt necessary to establish new fair price shops at Lasmakkapalli and Ramakrishnapur, which comprise population of 518 and 510 respectively, as such there is a

need to establish new fair price shops. Learned Assistant Government Pleader for Civil Supplies submits that even after bifurcation, the petitioner is left with 447 cards and as such no prejudice is caused to the petitioner. She further submits that the respondents have to look at the larger public interest.

4. The Government has issued G.O.Rt.No.55 dated 12-05-2015 to rationalize the number of cards in fair shops in the State keeping in view the accessibility i.e., the distance to be traversed by the cardholder from his residence to the fair price shop, economic viability of the fair price shop etc. The Government has also fixed the number of cards that can be attached to fair price shop in different areas. In view of the said G.O., in GHMC area, 1000 to 1200 cards; for other Corporations, 800 to 1000 cards; for all Municipalities and Nagar Panchayats, 600 to 800 cards; and for rural areas, upto 500 cards, are attached and the Collector has the authority to slightly vary from this number basing on the requirements. In the present case, earlier the petitioner's fair price shop was allotted 753 cards, now it has been reduced to 447 cards. In the said village, the petitioner's fair price shop is only the shop and now, taking into consideration the requirements and the convenience of the customers, the respondents have established new fair price shops and the number of cards which the petitioner is having were distributed between those shops and in view of the discretion that is vested with the Collector as per Clause No.5 of the said G.O., though in the rural areas every shop should contain 500

cards, he has discretion to exercise and slightly he may vary. In this case, a slight variation of 53 cards is justified. Accordingly, this Court finds no reason to interfere with the proceedings impugned.

5. Hence, the Writ Petition is dismissed. No order as to costs.

6. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI K VENUMADHAV Advocate [OPUC]
2. Two CCs to GP FOR CIVIL SUPPLIES, High Court for the State of Telangana. [OUT]
3. Two CD Copies

HIGH COURT

LKJ

DATED:22/12/2022

ORDER

WP.No.34558 of 2022



**WP IS DISMISSED
WITHOUT COSTS**