APHC010481222026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-4 [3584]

WRIT APPEAL NO: 1078 of 2026

Kota Radha Rukmini ...Appellant

Vs.

The State of Andhra Pradesh and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL

SRI JUSTICE CHALLA GUNARANJAN

DATE : 26th October 2026

Present:

Advocate for Appellant: K SRINIVAS

Advocate(s) for Respondent(s): SAI GANGADHAR CHAMARTY, SUBRAHMANYAM KOTARI, GP FOR CIVIL SUPPLIES

JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

Present appeal is directed against order dated 19.12.2025 in W.P. No.6776 of 2023, whereby learned Single Judge, while sustaining impugned proceedings under challenge, disposed writ petition, directing official respondents to maintain status quo with regard to subject fair price shop till disposal of civil suits pending before competent court instituted at the instance of writ appellant.

2. (a) Appellant/writ petitioner was appointed as fair price shop dealer of shop No.616012 in Vijayawada town in the year 1994. The said shop was allotted to her under widow category as her husband, Mr.Vanguri Rajkumar, demised by then. Appellant remarried Mr.Kota Srinivasa Rao in the year 1995, who also passed away on 09.04.2019.

(b) Since disputes arose between appellant and respondents 5 and 6, who claimed to be wife and brother of late Kota Srinivasa Rao respectively, appellant filed O.S. No.1903 of 2019 on the file of learned IV Additional Junior Civil Judge, Vijayawada, for permanent injunction against unofficial respondents and others from interfering with peaceful possession and enjoyment of plaint schedule properties therein, which were bequeathed in favour of appellant under a Will dated 08.10.2016. Appellant is stated to have also filed O.S. No.43 of 2021 on the file of learned V Additional Junior Civil Judge, Vijayawada, seeking declaration that she is legally wedded wife of late Kota Srinivasa Rao and to issue family member certificate accordingly.

(c) Pending aforesaid proceedings, authorization granted in favour of appellant was renewed in the year 2019. It is stated that appellant's name was referred as Kota Radha Rukmini, as by then

she got remarried. However, in later renewal, 3rd respondent, by proceedings dated 06.08.2021, referred name of appellant as Vanguri Radha Rukmini, mentioning surname of her first husband.

(d) Appellant thereafter was allowed to shift fair price shop to new premises. At that juncture, upon verifying requisite documents and noticing surname of appellant as "Kota", 3rd respondent, by proceedings dated 10.05.2022, permitted appellant to continue the authorization by displaying name as "Kota Radha Rukmini", subject to outcome of civil disputes.

(e) However, based on legal notice issued by 5th respondent, 3rd respondent issued revised proceedings dated 15.06.2022, suspending earlier proceedings dated 10.05.2022.

3. Heard Sri K.Srinivas, learned counsel for appellant and Sri Sai Gangadhar Chamarthy and learned Government Pleader for Civil Supplies appearing for respondents.

4. Learned counsel appearing for appellant mainly contended that 3rd respondent, having issued proceedings dated 10.05.2022 allowing appellant to continue the authorization by displaying name as "Kota Radha Rukmini" subject to outcome of civil disputes, could not have suspended the said proceedings by reviewing earlier proceedings, which is impermissible. It is also contended

that without issuing any notice and affording opportunity to appellant, 3rd respondent ought not to have issued revised proceedings by suspending earlier proceedings dated 15.06.2022, which is in violation of principles of natural justice. Learned Single Judge thus stated to have committed serious error in not appreciating aforesaid aspects, it is contended that impugned order of learned Single Judge requires to be set aside.

5. Learned counsel appearing for unofficial respondents tried to support the impugned order under challenge. It is contended that as suit filed by appellant since is pending before competent court, until and unless proper declaration is made by competent civil court recognising appellant as legally wedded wife of late Kota Srinivasa Rao, she is not eligible and entitled to carry his surname, and further, appellant cannot derive advantage based on proceedings dated 10.05.2022 which reflect her surname as "Kota". Thus, dismissal of present appeal is sought.

6. We have gone through the record and considered submissions made by respective counsel.

7. Admittedly, appellant has been granted authorization in the year 1994, and since then she has been operating fair price shop. At the time of granting initial authorization, as appellant was

married to Vanguri Rajkumar, she was allowed to run the shop under the name and style “Vanguri Radha Rukmini”. Subsequently, appellant claims to have remarried Kota Srinivasa Rao, who also passed away on 09.04.2019. There are *inter se* disputes between appellant and respondents 5 and 6 with regard to properties left behind by late Kota Srinivasa Rao, which are subject matter of adjudication in O.S. No.1903 of 2019. That apart, appellant also filed O.S. No.43 of 2021 seeking declaration that she is legally wedded wife of late Kota Srinivasa Rao and to issue family member certificate, which is also pending adjudication.

8. Be that as it may, authorization that has been renewed in 2019 and later in 2021 and relocated to different premises initially permitted appellant to display name of authorization as "Kota Radha Rukmini". In the proceedings dated 10.05.2022, 3rd respondent, while permitting to display appellant's name on fair price shop, made it clear that the same will be subject to final outcome in pending cases before competent civil court.

9. In that background, at the instance of 5th respondent, 3rd respondent issued impugned proceedings dated 24.06.2022, which were under challenge in the writ petition, by which earlier orders were suspended. Perusal of the same indicates that neither

appellant was put on notice nor was heard before issuing the same, and that too in the absence of any change in circumstances or pointing out any new material, 3rd respondent has suspended the earlier proceedings. Therefore, the said proceeding is clearly unsustainable.

10. Having said that, we are also of the view that since 3rd respondent allowed appellant to display fair price shop name board using surname as "Kota" on temporary basis subject to outcome of civil disputes, the same in no manner can be relied on to establish the claim of appellant before competent civil court.

11. In view of above observations, order of learned Single Judge is hereby set aside, and accordingly, appeal stands disposed of. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

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