

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**  
**(Special Original Jurisdiction)**

MONDAY, THE EIGHTEENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**HON'BLE MS JUSTICE B S BHANUMATHI**

**WRIT PETITION NO: 23147 OF 2024**



**Between:**

M Sarojamma, W/o. M. Ramachandra Reddy, Aged 69 years, F.P. shop No.1258006, R/o.D.No.2-57, Honnampalli Village, Parigi Mandal, Sri Satya Sai District.

**...PETITIONER(**

**AND**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies Department, Secretariat, Amaravathi, Guntur District.
2. The District Collector, Sri Satya Sai District.
3. The Joint Collector, Sri Satya Sai District.
4. The Sub Collector cum Revenue Divisional Officer, Penukonda, Sri Satya Sai District.
5. The Tahsildar, Parigi, Sri Satya Sai District.
6. The Mandal Revenue Inspector, Parigi, Sri Satya Sai District.
7. The Inspector of Police, Regional Vigilance Enforcement Officer, Ananthapur.
8. The Sub-Inspector of Police, Regional Vigilance Enforcement Officer, Ananthapur.
9. The Deputy Commercial Tax Officer, -do-Regional Vigilance Enforcement Officer, Ananthapur.

**...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 a Writ of mandamus or any other appropriate writ order or direction declaring the action of the respondents in seizing and closing

the F.P. shop No.1258006, Honnampalli Village, Parigi Mandal, Sri Satya Sai District in pursuant to the panchanama dt.07.10.2024 and not allowing the petitioner to distribute the essential commodities in spite of subsisting the period for distributing the essential commodities till 15.10.2024 to the card holders is illegal and arbitrary and consequently direct the respondents to allow the petitioner to distribute the essential commodities in respect of F.P. Shop No.1258006, Honnampalli Village, Parigi Mandal, Sri Satya Sai District continuously.

**IA NO: 1 OF 2024**

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 direct the respondents to release the seized Essential Commodities in pursuant to the panchanama dt.07.10.2024 forthwith to the petitioner in respect of F.P. shop No.1258006, Honnampalli Village, Parigi Mandal, Sri Satya Sai District and allow the same for distribution continuously, pending disposal of the writ petition.

**Counsel for the Petitioner: SRI N ASWARTHA NARAYANA** ✓

**Counsel for the Respondent No.1: GP FOR CIVIL SUPPLIES** ✓

**Counsel for the Respondent Nos. 2 to 6: GP FOR REVENUE** ✓

**Counsel for the Respondent Nos. 7 & 8: GP FOR HOME** ✓

**Counsel for the Respondent No.9: GP FOR COMMERCIAL TAX** ✓

**The Court made the following: ORDER**

APHC010450792024



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3311]**

MONDAY, THE EIGHTEENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE MS JUSTICE B S BHANUMATHI**

**WRIT PETITION NO: 23147/2024**

**Between:**

M Sarojamma

**...Petitioner**

**And**

The State of Andhra Pradesh and Others

**...Respondent(s)**

**Counsel for the Petitioner:**

1.N.Aswartha Narayana

**Counsel for the Respondent(s):**

1.GP For Home

2.GP For Revenue

3.GP For Civil Supplies

4.GP For Commercial Tax

**The Court made the following:**

**ORDER:**

This writ petition is filed to issue a writ of mandamus or any other appropriate writ order or direction declaring the action of the respondents in seizing and closing the fair price shop No.1258006, Honnampalli Village, Parigi Mandal, Sri Satya Sai District pursuant to the panchanama dt.07.10.2024 and not allowing the petitioner to distribute the essential commodities in spite of subsisting the authorisation for distributing the



essential commodities till 15.10.2024 to the card holders as illegal and arbitrary and consequently to direct the respondents to allow the petitioner to distribute the essential commodities in respect of fair price shop No.1258006, Honnampalli Village, Parigi Mandal, Sri Satya Sai District.

2. The case of the petitioner is briefly as follows:

a. The petitioner is a fair price shop dealer bearing shop No.1258006, Honnampalli Village, Parigi Mandal, Sri Satya Sai District, having been appointed vide R.Dis.1848/91/H, dated 25.05.1991, by the 4<sup>th</sup> respondent. Since then, the petitioner has been running fair price shop without there being any complaint and the authorisation of the petitioner is renewed up to 31.03.2025. While things stood thus, in respect of stock for the month of October, 2024, the respondents have been released on 25.09.2024 said stock also is stored in fair price shop. As matter of fact, the stock could be distributed when MPDO has to visit my shop and put a thumb it is an authorization, and which is mandatory to distribute the commodities. However the MPDO has not visited petitioner's shop and accorded any authorization. On 07.10.2024 the vigilance authorities visited the petitioner's shop and seized the stock by locking the premises. It seems no variation was found in the stock.

b. The petitioner is a widow and making her livelihood by the meager income from the shop. Previously, when she was not supplied commodities, she filed W.P.No.16133 of 2024 which was allowed on 29.07.2024 directing the authorities to supply the commodities.

3. The learned counsel for the petitioner submitted that without there being any order suspending or cancelling the appointment of the petitioner, supply of the commodities was abruptly stopped and so the action of the respondents is illegal.

4. The learned Assistant Government Pleader, placed on record the copy of written instructions of Tahsildar, Parigi Mandal, Sri Satya Sai District vide

Rc.No.170/CS/2024, dated 14.10.2024. Basing on the same, the learned counsel submitted that there was variation of the stock as follows:

Sl. No.	Name of the Commodity	O.B. (Kgs)	Allotment (Kgs)	Total (Kgs)	Distribution (Kgs)	Closing balance as per Stock Repr. (Kgs)	Physical Balance (Kgs)	Variation (Kgs)	% of variation
1	Fortified rice	1508	9062	10570	0	10570	10550	-20 kgs	(-)0.189%
2	Jowar	127	634	761	0	761	716.6	-44.4	(-)5.83%
3	Sugar	0	688	688	0	688	689	+1	(+)0.14%

5. Therefore, he contended that there was violation of the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 and as such a case under Section 6A of the Essential Commodities Act, 1955 was booked to admit the case for necessary action and meanwhile alternative arrangements were made for supply of the commodities through VRO for smooth distribution of the commodities.

6. The learned counsel of the petitioner, in reply, submitted that the alleged variation in the stock of fortified rice and sugar is well within the permissible limit, since Clause 29(a) of the Andhra Pradesh State Targeted Public Distribution System (Control) Order 2018 permits variation up to 1.5% per month. He further submitted that the variation in the stock of Jowar is negligible as the quantity is less and does not call for serious action of cancelling or suspending the dealership.

7. In view of the above facts and circumstances, since the dealership of the petitioner has not been suspended or cancelled so far, the supply of the commodities shall be continued to the petitioner.




8. As such, the Writ Petition is disposed of directing the respondent authorities to supply the commodities to the writ petitioner so long as the dealership is in force, subject to compliance of the other legal formalities.

9. However, this Order does not preclude the respondent authorities to conduct enquiry as per law. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

**//TRUE COPY//**

**Sd/- J SAROJA**  
**ASSISTANT REGISTRAR**  
  
**SECTION OFFICER**

**To,**

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies Department, Secretariat, Amaravathi, Guntur District. ✓
2. The District Collector, Sri Satya Sai District. ✓
3. The Joint Collector, Sri Satya Sai District. ✓
4. The Sub Collector cum Revenue Divisional Officer, Penukonda, Sri Satya Sai District. ✓
5. The Tahsildar, Parigi, Sri Satya Sai District. ✓
6. The Mandal Revenue Inspector, Parigi, Sri Satya Sai District. ✓
7. The Inspector of Police, Regional Vigilance Enforcement Officer, Ananthapur. ✓
8. The Sub-Inspector of Police, Regional Vigilance Enforcement Officer, Ananthapur. ✓
9. The Deputy Commercial Tax Officer, -do-Regional Vigilance Enforcement Officer, Ananthapur. ✓
10. One CC to Sri N Aswartha Narayana Advocate [OPUC] ✓
11. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT] ✓
12. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT] ✓
13. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT] ✓
14. Two CCs to GP for Commercial Tax, High Court of Andhra Pradesh. [OUT] ✓
15. Three CD Copies

**TF**

**HIGH COURT**

**DATED:18/11/2024**

**ORDER**

**WP.No.23147 of 2024**



**DISPOSING OF THE W.P. WITHOUT COSTS**