

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

FRIDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 35124 OF 2016



Between:

P.Gopala Krishna, S/o.late Raju, Age:35 Years, Occ:Dealer of FP.Shop No.26.
R/o.G.Yerrampalem Village, Rajanagaram Mandal, East Godavari District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep.by its Prl. Secretary, Civil Supply Department, Secretariat at Hyderabad
2. The Commissioner of Civil Supplies, Government of A.P. Hyderabad
3. The District Collector, E.G. District at Kakinada.
4. The Revenue Divisional Officer, Rajamahendravaram, East Godavari 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 appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 4th respondent in Ref.(E)6037/Rajanagaram/0428048/2016, dt.7-10-2016 to bifurcate the existing Fair Price Shop No.26 in G.Yerrampalem Village, Rajanagaram Mandal, East Godavari District and establish a new Fair Price shop at G.Yerrampalem Village, Rajanagaram Mandal as wholly illegal, arbitrary and in violation of Principles of natural justice and consequently set aside the above proceedings of the 4th respondent and by directing the respondents to consider the representation of the petitioner dt.10-10-2016 in the interest of justice.

I.A. NO: 1 OF 2016(WPMP. NO: 43294 OF 2016)

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 stay all further proceedings in pursuance of the notification issued by the 4th respondent in Ref. (E)6037/Rajanagaram/ 0428048/2016, dt.7-10- 2016 in the interest of justice.

IA NO: 1 OF 2018

Between:

1. The State of Andhra Pradesh, Rep.by its Prl. Secretary, Civil Supply Department, Secretariat at Hyderabad
2. The Commissioner of Civil Supplies, Government of A.P. Hyderabad
3. The District Collector, E.G. District at Kakinada.
4. The Revenue Divisional Officer, Rajamahendravaram, East Godavari District.

...Petitioners/Respondents

AND

P.Gopala Krishna, S/o.late Raju, Age:35 Years, Occ:Dealer of FP.Shop No.26.
R/o.G.Yerrampalem Village, Rajanagaram Mandal, East Godavari District.

...Respondent/Petitioner

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 orders dated 19.10.2016 made in WP.No. 35124/2016.

Counsel for the Petitioner: SRI. K VENKATESH

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES (AP)

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION No.35124 of 2016

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking a direction to declare the action of the respondent No.4 in issuing the proceedings vide Ref.(E)6037/Rajanagaram/0428048/2016, dated 07.10.2016 as illegal, arbitrary and violative of Principles of natural justice.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader appearing for respondents.

3. Considering the submissions and on perusal of the record, this Court has passed *Status-quo* order on 19.10.2016.

4. Today when the matter is called, the respondents sought liberty to follow the principles laid down in paragraph No.6 in G.O.Ms.No.35, dated 17.09.2007, which reads as follows and take appropriate action.

"6. The following norms shall be followed in the process of rationalization of fair price shops:

- (i) Hyderabad city – if the cards of the existing fair price shop is more than the minimum of 600 cards (white/AAY/AP/crippled weavers) and 400 pink cards, the excess number of cards of such fair price shop shall be transferred to a new fair price shop to be located in the same locality.

- (ii) Opening of a fair price shop within one kilometre radius of the residence of the card holder shall be scrupulously followed.
- (iii) In municipalities/erstwhile taluk head quarter (urban), each fair price shop should have a minimum of 500 BPL cards.
- (iv) In Mandal head quarters each fair price shop should have a minimum of 500 BPL cards and 250 pink cards. Keeping in view the guidelines already issued, new fair price shops can be opened basing on the need.
- (v) Rural areas- Each Gram Panchayat (v) should have at least one F.P shop with a minimum of 400 BPL cards and 50 APL cards. In case, there are more number of cards in excess of the minimum number of cards i.e., 400 BPL and 50 APL in a village there can be two FP Shops, provided the total number of BPL cards in that village is not less than 600 and the number of BPL and APL cards should be attached to the two Fair Price Shops equally."

5. In view of the same, the writ petition is disposed of giving liberty to the respondents to follow the principles laid down in paragraph No.6 in G.O.Ms.No.35, dated 17.09.2007 and take appropriate action in accordance with law.

6. With the above direction, the writ petition is disposed of. There shall be no order as to cost.

As a sequel miscellaneous applications, pending, if any, shall also stand closed.

SD/- K. TATA RAO
DEPUTY REGISTRAR

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//TRUE COPY//

SECTION OFFICER

To,

1. The Pri. Secretary, Civil Supply Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The Commissioner of Civil Supplies, Government of A.P., Ayyappa Nagar, Vijayawada-520007
3. The District Collector, E.G.District at Kakinada.
4. The Revenue Divisional Officer, Rajamahendravaram, East Godavari District.
5. One CC to Sri. K. Venkatesh Advocate [OPUC]
6. Two CCs to GP for Civil Supplies (AP), High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

Sdkr

K-Ch-Chowdary

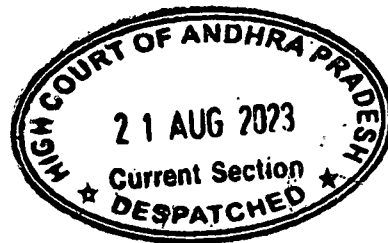
HIGH COURT

DATED:24/03/2023

ORDER

WP.No.35124 of 2016

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20/7



DISPOSING OF THE WP WITHOUT COSTS