

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.722 of 2024

ORDER:-

1. This Writ Petition is filed to issue writ of mandamus declaring the action of the respondents in directing the petitioner's society to shift from the presently occupied shop no.2 to shop no.3 which is allegedly renumbered as shop no.3 and also in allotting the other two shops for the generic medical shops as illegal, arbitrary and contrary to original tender notice dated 05.10.2023 and consequently direct the respondents to adhere to the conditions as in the original tender notice dated 05.10.2023.

2. The petitioner submits that he is a leaseholder of Shop No. 2 and he is operating a generic medical store within the premises of Respondent No. 3/GGH, Anantapuram. The lease was granted to him pursuant to preferential allotment scheme as envisaged in favor of Self Help Groups, due to which he was duly selected for the allotment of Shop No. 2 to run a generic medicine store. However, in violation of the agreed terms, the respondents have initiated steps to shift him from Shop No. 2 to Shop No. 3 and have issued proceedings dated 02.12.2023 directing to shift the shops directed. The petitioner further contends that the actions of the respondents are contrary to the tender conditions and the terms of the appointment order, and also the principles of natural justice. Hence the writ petition

3. On the other hand, learned Assistant Government Pleader for Medical & Health furnished written instructions vide Rc.No.965/G2/2024-25 dated 07.04.2026 issued by Superintendent, Government General Hospital, Anantapuram, stating as follows:

“At present M/s. Prasanthi Zilla Samakhya, Generic Medical Shop is continuing in the same shop that is shop no.2 and no inconvenience was made regarding shifting of shop.

Further it is true that one shop was allotted for Generic Medical Store at shop no.3. But the allottee has not started the Generic Medical store. He has changed his business from Generic Medical Store to Tea Shop. At present at Shop No.3 tea business is taking place.

In this connection it is submitted that M/s. Prasanthi Zilla Samakhya Generic Medical Shop is not disturbed from doing the business and no other Generic Medical Shop is available adjacent to this shop.”

4. On the basis of the written instructions, he submits that the other two shops that were allotted are continuing and functioning, and one shop is presently in operation. In such circumstances, it is contended that the petitioner ought to be allowed to continue in same Shop No. 2 without any alteration or relocation.

5. Heard learned counsel for the petitioner; learned Government Pleader for Medical & Health and perused the material available on record.

6. In view of the clear and unequivocal statement made by the learned Government Pleader for Medical & Health, to the effect that the respondents do not propose to take any steps to shift the petitioner from Shop No. 2 to Shop No. 3, and that the petitioner shall be permitted to continue at Shop No. 2, this Court finds that no further adjudication on the merits of the case is necessary.

7. Accordingly, the writ petition is disposed of, directing the respondents to continue the petitioner at Shop No. 2, in terms of the assurance given before this Court by the learned Government Pleader and as admitted in the written instructions. It is further made clear that, if the respondents intend to initiate any action against the petitioner, the same shall be undertaken strictly in accordance with due process of law. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, in this contempt case shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date: 07.04.2026

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