

[3311]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE TENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI



IA No. 1 OF 2025

IN

WP NO: 1811 OF 2025

Between:

R. Pushpalatha, W/o. Late B. Siva Reddy, Hindu, aged about 50 Years,
Occ. Fair Price Shop Deale of Shop No. 1035032, Eswaramma Colony,
Madanapalli Town & Mandal, Annamayya District.

...Petitioners

(Petitioner in WP 1811 OF 2025

on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Consumer Affairs, Food and Civil Supplies (CSI) Department,
Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner of Civil Supplies, Andhra Pradesh At Vijayawada,
NTR District
3. The District Collector, Rayachoti, Annamayya District.
4. The Joint Collector, Civil Supplies Department, Rayachoti, Annamayya
District.
5. The Sub Collector, Madanapalli, Madanapalli Division, Annamayya
District.
6. The Tahsildar, Madanapalli Mandal, Annamayya District.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner :SRI SHAIK MEERAVALI

Counsel for the Respondent Nos.1 to 6:GP FOR CIVIL SUPPLIES

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to Stay the notification vide Ref.No.C1/1088/2024 dated.12.12.2024 forthwith, Pending disposal of WP No. 1811 of 2025, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“This application is filed to stay the notification vide Ref.No.C1/1088/2024, dated 12.12.2024 forthwith pending disposal of the writ petition.

The learned counsel for the petitioner submitted that the petitioner is the dealer of fair price shop bearing No.1035032, Eswaramma Colony, Madanapalli Rural, Madanapalli Mandal, Annamayya District. While so, the 3rd respondent issued order of bifurcation of the petitioner's shop vide Rc.CS(4)/79/2024, dated 23.11.2024. After bifurcating, the 5th respondent issued notification vide Ref.No.C1/1088/2024, dated 12.12.2024, inviting applications for appointment of dealers. He further submitted that on 20.12.2024, the petitioner filed appeal before the 2nd respondent and while filing the appeal, the petitioner received notice calling objections in respect of bifurcation of shop No.1035032, from the Sub-Collector, Madanapalli. Pursuant to the same, the petitioner submitted explanation on 08.10.2024 which addressed the deletion of cards relating to the deceased and the migrated individuals to be deleted. Additionally, the explanation submitted on 28.10.2024, which outlined the feasibility of maintaining the current setup in the event of a bifurcation, was also overlooked. In this context, the order passed on

16.11.2024 by the Collector and District Magistrate of Annamayya District, Rayachoty, mandated the bifurcation of the petitioner's shop. The order allocated a total of 1645 cards among four (04) separate shops, with only 445 cards allocated to the petitioner.

The learned counsel further submitted that a subsequent proceeding dated 23.11.2024 was issued by the same authority, proceeding with the appointment of dealers for the newly created shops. The notice indicated that an appeal could be filed against the said order with the Director of Civil Supplies, Andhra Pradesh, Vijayawada. In response, the petitioner filed an appeal along with an application seeking an interim stay. However, no order has been passed on the interim application. Despite this, the authorities proceeded with the issuance of a notification on 12.12.2024 for filling vacancies of dealers for the three (03) newly created shops following the bifurcation of the petitioner's fair price shop. Consequently, the petitioner is aggrieved by this action.

On the other hand, the learned Assistant Government Pleader for Civil Supplies placed on record the written instructions *vide* Ref.No.C1/100/2025, dated 03.02.2025, and submitted that the notification was issued only after strictly adhering to the prescribed procedure outlined in the relevant circulars and instructions. He further submitted that the petitioner's contention was false.

He further submitted that the written examination was conducted on 31.12.2024, with the results scheduled to be declared on 11.01.2025; and that following this, eligible candidates were called for interviews on 31.01.2025, however, the interview was postponed to 01.02.2025 due to the Chief Minister's visit and in the interregnum, the writ petition was filed on 20.01.2025.

Although the written instructions were issued on 03.02.2025, there is no indication whether the results were announced on 01.02.2025 or not. As such, it is to understand that the results were not announced.

Perused the record.

In light of the respondent-authorities' proposed action to fill the vacancies in the newly created shops following the bifurcation of the petitioner's fair price shop, while the appeal against the proceedings that led to the bifurcation is still pending, this is a case that warrants granting of an interim order to protect the petitioner's interest. As such, interim order as prayed for is granted till 24.02.2025."

SD/-U.SRI DEVI-
ASSISTANT REGISTRAR
SECTION OFFICER

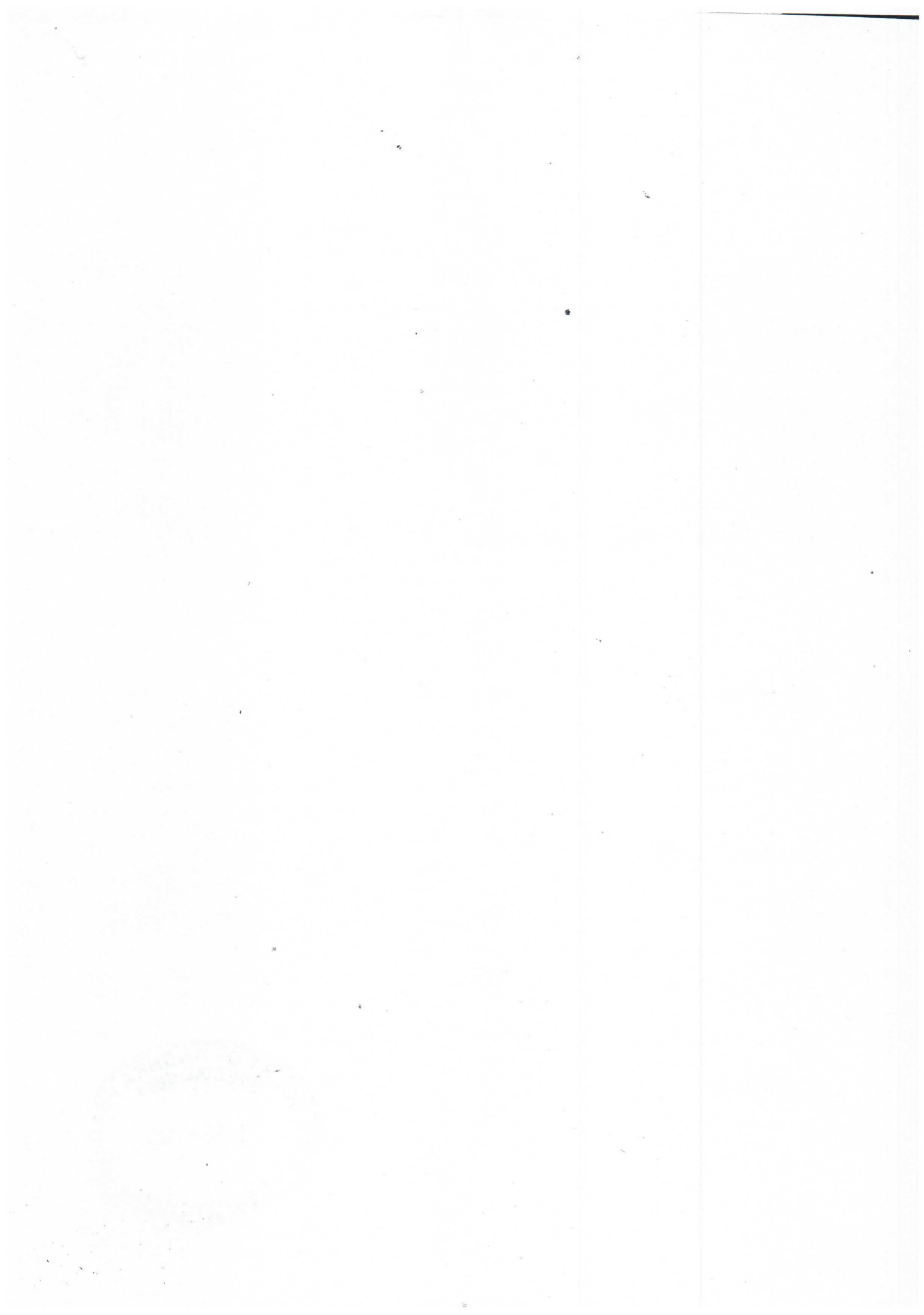
//TRUE COPY//

For

To,

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies (CSI) Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Commissioner of Civil Supplies, Andhra Pradesh At Vijayawada, NTR District
3. The District Collector, Rayachoti, Annamayya District.
4. The Joint Collector, Civil Supplies Department, Rayachoti, Annamayya District.
5. The Sub Collector, Madanapalli, Madanapalli Division, Annamayya District.
6. The Tahsildar, Madanapalli Mandal, Annamayya District. (Addressee Nos.2 to 6 By RPAD)
7. One CC to SRI. SHAIK MEERAVALI Advocate [OPUC]
8. Two CCs to GP FOR CIVIL SUPPLIES, High Court Of Andhra Pradesh. [OUT]
9. One spare copy

KJ



HIGH COURT

BSB,J

DATED:10/02/2025

LIST THE MATTER ON 24.02.2025.

ORDER

IA No. 1 OF 2025

IN

WP.No.1811 of 2025

DIRECTION

