



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

[3333]

WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 1811/2025

Between:

1.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 AND MANDAL, ANNAMAYYA DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF AP, 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.

...RESPONDENT(S):

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, order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th Respondent in issuing impugned notification vide Ref.No.C1/1088/2024 dated. 12.12.2024 issued by the 5th Respondent inviting application for appointment of dealership for F.P. Shop No. 1035032, Eswaramma Colony, Madanapalli Rural, Madanapalli Mandal, Annamayya District Pending Appeal before 2nd Respondent date.20.12.2024 as arbitrary, illegal, weight of evidence, unconstitutional and violative of Articles 14 and 21 of Constitution of India and also contrary to the procedure contemplated in A.P. State Targeted Public Distribution System (Control) Orders, 2018 and Consequently to Stay the notification vide Ref.No.C1/1088/2024 dated. 12.12.2024 and to pass such

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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 may be pleased to Stay the notification vide Ref.No.CI/1088/2024 dated.12.12.2024 forthwith pending disposal of the writ petition before this Hon'ble Court and to pass such

Counsel for the Petitioner:

1.SHAIK MEERAVALI

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following

ORDER:

The present writ petition came to be filed under Article 226 of the Constitution of India seeking the following relief:

“....to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 5th Respondent in issuing impugned notification vide 2Ref.No.C1/1088/2024 dated. 12.12.2024 issued by the 5th Respondent inviting application for appointment of dealership for F.P. Shop No. 1035032, Eswaramma Colony, Madanapalli Rural, Madanapalli Mandal, Annamayya District Pending Appeal before 2nd Respondent dated.20.12.2024 as arbitrary, illegal, weight of evidence, unconstitutional and violative of Articles 14 and 21 of Constitution of India and also contrary to the procedure contemplated in A.P. State Targeted Public Distribution System (Control) Orders, 2018 and Consequently to Stay the notification vide Ref.No.C1/1088/2024 dated 12.12.2024”

2. The case of the petitioner is that he was initially appointed as a temporary Fair Price Shop dealer for Shop No.1035032, Eswaramma Colony, Mandanapalli Rural & Mandal, Annamayya District. While so, the 3rd respondent issued proceedings dated 23.11.2024 duly approving the bifurcation proposals and directing the Sub-Collector, Mandapalli to take necessary steps for appointment of a Fair Price Shop dealer to the newly created shop as per the Government Orders/Circular instructions. Challenging which, the petitioner has preferred an appeal before the 2nd respondent on 20.12.2024.

3. The grievance of the petitioner in the present writ petition is that, pending consideration of the appeal preferred by the petitioner, the 5th respondent issued impugned Notification vide Ref.No.C1/1088/2024 dated 12.12.2024 inviting applications for appointment of a dealer for the petitioner's Fair Price Shop No.1035032, Eswaramma Colony, Madanapalli Rural & Mandal, Annamayya District.

4. When the writ petition came up for admission on 10.02.2025, this court passed following interim order:

“ In the 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. “

Thereafter, on 05.03.2025 the interim order has been extended until further orders.

5. Heard the learned Counsel for the Petitioner and the learned Assistant Government Pleader for Civil supplies.

6. The learned Assistant Government Pleader for Civil Supplies, on oral instructions, stated that the appeal before the 2nd respondent is still pending adjudication and no orders have been passed as on today.

7. Admittedly, when the petitioner has challenged the bifurcation proposals of the 3rd respondent dated 23.11.2024 by way of an appeal before the 2nd respondent, the respondents cannot proceed with the impugned notification

until and unless the said appeal is decided after due enquiry, including consideration of the necessity of bifurcating the petitioner's Fair Price Shop No.1035302, Eswaramma Colony, Madanapalli Rural & Mandal, Annamayya District.

8. In view of the same, the Writ Petition is disposed of directing the 2nd respondent to consider the appeal preferred by the petitioner on 20.12.2024 and pass appropriate orders as expeditiously as possible, preferably within a period of six (06) weeks from the receipt of copy of this order. It is needless to say that the respondents shall not proceed with the impugned notification dated 12.12.2024 till the appeal preferred by the petitioner is concluded. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE V.SUJATHA

Date: 12.11.2025
KGR