

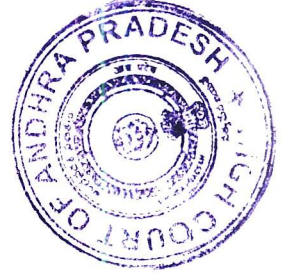
**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 7140 OF 2025



Between:

Smt. K. Radhamma, W/o late Venkata Ramanaiah, aged about 41 years, Fair Price Shop Dealer Shop No.0919002, Shivaji Center, Sangam Village and Mandal, SPSR Nellore District.

...PETITIONER

AND

1. The State of Andhra Pradesh, rept., by its Principal Secretary, Food and Civil Supplies Department, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The District Collector, Nellore, SPSR Nellore District.
3. The Joint Collector, (CS), Nellore, SPSR Nellore District
4. The Revenue Divisional Officer, Atmakur, SPSR Nellore District.
5. The Tahsildar, Sangam Mandal, Sangam SPSR Nellore 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 a **WRIT OF MANDAMUS** or any other appropriate Writ, Order or declaring the action of the respondents not issuing Essential Commodities to the petitioner herein, for distribution to the card holders attached to shop No.0919002, of Sangam Village and Mandal, SPSR Nellore District, in spite of subsisting the petitioner's F.P shop authorization, is illegal, arbitrary and in violation of principles of Natural Justice and contrary to the provisions of A.P State Targeted Public

Distribution System (Control) Order, 2018, and consequently direct the respondent Nos.4 and 5 herein, to supply the Essential Commodities to the petitioner and allow her to distribute the same to the petitioners F.P shop.

IA No: 1 OF 2025

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 supply Essential Commodities to the petitioner herein, and allow her to distribute the same through MDU Operator to the respective card holders under Public Distribution System attached to Shop No.0919002, of Sangam Village and Mandal, SPSR Nellore District, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI M.GNANESWARA RAO

Counsel for the Respondent Nos. 1 to 5: GP FOR CIVIL SUPPLIES

The Court made the following: ORDER



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

[3459]

FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 7140/2025

Between:

K Radhamma

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.GNANESWARA RAO MITTIREDDI

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

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

*to issue a Writ of Mandamus or any other appropriate Writ, Order or
declaring the action of the respondents not issuing Essential Commodities to
the petitioner herein, for distribution to the card holders attached to shop
No.0919002 of Sangam village and Mandal, SPSR Nellore District in spite of
subsisting the petitioner's F.P.shop authorization is illegal, arbitrary and in
violation of principles of Natural Justice and contrary to the provisions of
A.P. State Targeted Public Distribution System (Control) Order, 2018 and*

consequently direct the respondent No.s 4 and 5 herein, to supply the Essential Commodities to the petitioner and allow her to distribute the same to the petitioner's F.P shop and pass

2. The petitioner is a Fair Price Shop Dealer of Nellore District. The vigilance and enforcement officers have inspected the Petitioner's Fair Price Shop on 06.03.2025 and stopped supplying Essential Commodities to the petitioner's shop without there being suspension or cancellation. In support of his contention, the learned counsel for the petitioner relied on the judgment reported in ***Oleti Thirupathamma vs. District Supply Officer***¹. The relevant portion of the order is extracted as under:

"15. It is one thing to say that when an order has been passed by the authority, the Court may pass an interim staying the operation thereof as a result whereof the dealer may carry on business, but it is another thing to say that a deliberate action in not supplying the essential commodities to an authorised dealer even though his authorisation or licence has not been suspended, should be allowed by this Court by refusing to grant a writ although in law he is entitled to.

16. A statutory authority, it is trite, must act within the four corners of the statute in terms of the statutory orders and procedure laid down to suspend the licence. As already noticed hereinbefore, the authorities under the relevant orders have power to suspend the authorisation or licence of the dealer. Without applying its mind and without taking recourse thereto, the Court should not normally permit the authorities, unless extraordinary situation exists, to allow them to do something indirectly, which they cannot do it directly. If a broad proposition to this effect is laid down, the same, in a given case may amount to abuse of the process of law. The High Court while exercising its jurisdiction under Article 226 of the Constitution of India, acts sentinel qui vive and thus it has to protect the citizen from arbitrary and capricious action of the executive. If the licensing authority themselves upon application of mind come to the conclusion that the irregularities committed by the fair price shop

¹2002 (1) ALD 577 (FB)

dealer would warrant suspension of his licence, it may do so. But, in our considered opinion, the authority without taking recourse to the said action, cannot, refuse to supply the essential commodities. In the event an order of suspension of licence is passed, the authorities will have to make an alternative arrangement. But, in a case of this nature, the card holders would be the worst sufferers inasmuch their essential commodities would not be supplied to them at all."

3. In view of the above, the writ petition is disposed of, at the admission stage, directing the 3rd respondent to supply the essential commodities to the petitioner's Fair Price Shop No.0919002 for the month of April and continue the same. However, it is open to the respondents to proceed with the enquiry in accordance with law.

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

//TRUE COPY//

SD/- K SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Food & Civil Supplies Department, State of Andhra Pradesh Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Nellore, SPSR Nellore District.
3. The Joint Collector,(CS), Nellore, SPSR Nellore District.
4. The Revenue Divisional Officer, Atmakur, SPSR Nellore District.
5. The Tahsildar, Sangam Mandal, Sangam SPSR Nellore District.
6. One CC to Sri M. Gnaneswara Rao, Advocate [OPUC]
7. Two CCs to GP for Civil Supplies, High Court of Andhra Pradesh. [OUT]
8. Three CD Copies.

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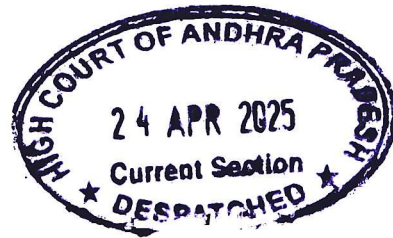
HIGH COURT

gl

DATED:21/03/2025

ORDER

WP.No.7140 of 2025



**DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS**