



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

[3332]

**MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 9934/2026

Between:

1.N DEEPA, W/O T.VENKATESWARLU AGE 36 YEARS, OCC F.P.
SHOP DEALER FOR SHOP NO.1024011, VETHALATHADUKU
VILLAGE NARAYANAVANAM MANDAL, TIRUPATHI DIST. PIN
517581

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPLE
SECRETARY CIVIL SUPPLIES DEPARTMENT, SECRETARIAT,
VELAGAPUDI, GUNTUR DIST.-522503
- 2.THE JOINT COLLECTOR CS, TIRUPATHI DIST., AT TIRUPATHI.-
517503
- 3.THE REVENUE DIVISIONAL OFFICER, SRIKALAHASTHI DIVISION,
TIRUPATHI DIST DIST.-517644
- 4.THE TAHSILDAR, NARAYANAVANAM MANDAL, TIRUPATHI DIST. -
517581

...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 or direction preferably writ of mandamus declaring the action of the respondents 3 and 4 in not releasing the Essential Commodities to the petitioner in respect of FP Shop No.1024011, Vethalathaduku Village

Narayanavanam Mandal, Tirupathi Dist., without any order of suspension or cancellation and without following the procedure as contemplated under AP State Targeted Public Distribution System (Control) Order, 2018 apart from violation of the principles of natural justice and consequently direct the respondents to release Essential Commodities in favour of the petitioner as usual and pass

IA NO: 1 OF 2026

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 3 & 4 to release Essential Commodities to the petitioner's FP shop i.e., FP Shop No.1024011, Vethalathaduku Village Narayanavanam Mandal, Tirupathi Dist

Counsel for the Petitioner:

1.M M M SRINIVASA RAO

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

Aggrieved by the action of respondent Nos.3 and 4 in not releasing the essential commodities to the petitioner in respect of Fair Price shop No.1024011, Vethalathaduku village, Narayanavanam Mandal, Tirupathi District, without any order of suspension or cancellation and without following the procedure contemplated under AP State Targetted Public Distribution System (Control) Order, 2018 apart from being in violation of the principles of natural justice, the present Writ Petition is filed.

2. Heard Sri M.M.M.Srinivasarao, learned counsel for the petitioner and Sri Appasani Vineeth, learned Assistant Government Pleader for Civil Supplies appearing for the respondents.

3. Learned counsel for the petitioner, while reiterating the contents of the writ affidavit contended that the petitioner was appointed as a permanent dealer to the subject shop. He further contended that on 03.02.2026 at about 10.00 A.M., the Mandal Revenue Inspector along with Village Revenue Officer have inspected the shop and found alleged stock variations viz., 67 kgs of shortage of PDS rice, 47 packets of sugar in excess, and 125 kgs of Ragulu in excess. He further contended that as the petitioner was suffering from severe fever, she had requested her brother-in-law to manage the shop and though her brother-in-law requested the authorities to wait for a short time, the authorities, without hearing his request, have inspected the shop and obtained his signature forcibly on the panchanama. He further submitted that till date,

respondent No.3 has not issued any show cause notice nor called for an explanation for initiation of disciplinary proceedings. He further submitted that without issuing any show cause notice or passing any order of suspension or cancellation as laid down under the control order, the authorities are not permitting the petitioner to run the shop and have not released the essential commodities. Hence, prayed to allow the writ petition.

4. On the other hand, Sri Vineeth Appasani, learned Assistant Government Pleader, placed on record the letter issued by the Tahsildar, Narayanavanam Mandal vide Roc.A/37/2026 dated 18.04.2026 and submitted that based on the inspection report and panchanama, a case under Section 6-A of the Essential Commodities Act. 1955 was registered and the 6-A report was submitted to the competent authority for taking necessary action as per law. He further submitted that the petitioner cannot claim release of essential commodities as a matter of right without facing the statutory proceedings initiated before the competent authority. He further submitted that the matter is pending before the competent authority under Section 6-A of the Essential Commodities Act and the same will be dealt with in accordance with law. In order to ensure smooth administration and to avoid inconvenience to the public/cardholders in the distribution of essential commodities, temporary authorization was given to the local Village Revenue assistant for distribution of essential commodities to the cardholders. Hence, prayed to dismiss the Writ Petition.

5. Perused the material available on record and considered the submissions made by learned counsel for the parties.

6. As rightly contended by the learned counsel for the petitioner, there is neither suspension nor cancellation of the FP shop authorization of the petitioner. Therefore, stoppage of supply of essential commodities for being distributed to the cardholders allocated to the FP shop of the petitioner is unsustainable.

7. Earlier, a similar question came up before the Full Bench of High Court of Andhra Pradesh in ***Oleti Tirupathamma v. District Supply Officer (City) Visakhapatnam and others***¹, wherein the Court held as follows –

“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 dealer would

¹ 2002 (1) ALD 577

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."

8. In view of the law laid down by Full Bench of High Court of Andhra Pradesh in the aforesaid judgment, this Court is of the opinion that the action of the respondents is illegal and arbitrary. Therefore, the respondents are directed to supply essential commodities to the petitioner by allowing her to distribute the same to the card holders, allotted to her Fair Price shop, till her dealership is terminated or till passing an order under Clause 8(4) of the Control Order, 2018.

9. Accordingly, the Writ Petition is disposed of directing the authorities to supply the essential commodities to the FP shop of the petitioner forthwith. In case the respondent authorities intend to take action against the irregularities, if any, committed by the petitioner, they can take steps in accordance with law. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

20.04.2026

MP

146

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.9934 of 2026

20.04.2026

MP