



**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: 10196/2026

Between:

1.MELAM VIJAYA LAKSHMI, W/O NAGESWARA RAO, AGED ABOUT 53 YEARS, DEALER OF F.P.SHOP NO.0483078, R/O H.NO.70-2-95/2, VINAYAKA NAGAR, KAKINADA, KAKINADA MANDAL, KAKINADA DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY (CONSUMER AFFAIRS AND CIVIL SUPPLIES DEPARTMENT), SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2.THE JOINT COLLECTOR, KAKINADA DISTRICT AT KAKINADA.

3.THE REVENUE DIVISIONAL OFFICER, KAKINADA URBAN-I, KAKINADA, KAKINADA DISTRICT.

4.THE TAHSILDAR, KAKINADA URBAN MANDAL-I, KAKINADA, KAKINADA DISTRICT.

5.THE DEPUTY TAHSILDAR, CIVIL SUPPLIES, KAKINADA URBAN-I, KAKINADA, KAKINADA DISTRICT.

6.D JAYASRI, W/O NOT KNOWN. AGED ABOUT 45 YEARS, FP SHOP DEALER (88 MS) F.P.SHOP NO.0483079, RAMANAIAHPETA, KAKINADA, KAKINADA URBAN-I, KAKINADA 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 pass an Order or a Direction or a Writ more in the nature of Writ of Mandamus by declaring the action of the 5th Respondent in suspending the Petitioner's dealership of FPS No. 0483078 at Vinayaka Nagar, Kakinada Urban-I, Kakinada District without issuing a written order, registering a case under Section 6A of the Essential Commodities Act, 1955, and handing over the shop to the 6th Respondent without cross-verifying variations (excess/deficit) in rice and sugar against electronic Point of Sale generated prints as arbitrary, autocratic, illegal, ultra vires, violative of principles Clause 12(p)(3) of the AP TPDS Control Order 2018 and against principles of natural justice consequently direct Respondents 1 to 5 to forthwith restore the Petitioner's dealership to F.P Shop No.0483078 in the interests of justice and pass

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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 to pass an interim Order by way of Direction by directing the Respondents 1 to 5 herein to restore the dealership to the Petitioner herein for F.P.Shop No. 0483078 at Vinayaka Nagar, Kakinada Urban-I, Kakinada District pending disposal of the main Writ Petition on the file of this Hon'ble Court in the interests of justice and pass

Counsel for the Petitioner:

1.M/S.ASTONISH LAWS

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

Aggrieved by the action of respondent No.5 in suspending the petitioner's dealership in respect of shop No.0483078 situated at D.No.70-3A-15, Vinayak Nagar, Kakinada Urban-1, Kakinada District, without issuing a written order, registering a case under Section 6A of Essential Commodities Act, 1955 and handing over the shop to respondent No.6 without cross verifying variations in rice and sugar with reference to the e-POS printed bills and the stock, the present Writ Petition is filed.

2. Heard Sri Chandra Sekhar Ilapakurti, learned counsel representing M/s Astonish Laws, 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 05.04.2026 at about 5.30 P.M., respondent No.5 along with Village Revenue Officers of Vaidyanagar, Kakinada Urban-1, inspected the subject shop and found alleged variations of 10.89% in PDS rice and 0.27% in sugar stock. Based on the said variations, respondent No.5 registered a case under Section 6-A of the Essential Commodities Act, 1955, seized the physical stock and e-POS machine and directed the petitioner to submit explanation within three days to respondent No.2. He further submitted that without issuing any notice or

order, without conducting any enquiry and without any order of suspension or cancellation as laid down under the Control Order, the authorities could not have handed over the stock of the petitioner's shop to respondent No.6. Hence, prayed to allow the writ petition.

4. On the other hand, Sri Vineeth Appasani, learned Assistant Government Pleader, placed on record the written instructions of the Revenue Divisional Officer, Kakinada and contended that based on the alleged stock variations, the Civil Supplies Deputy Tahsildar, Kakinada Urban filed a case under 6-A of the Essential Commodities Act, 1955 after seizing the physical stock in the subject Fair Price shop and duly reporting the same to respondent No.2 i.e., the Joint Collector, Kakinada, who acts as a confiscating authority for violation of the Control Order for enquiry and further action. He further submitted that in order to ensure smooth functioning and to avoid inconvenience to the cardholders, the Civil Supplies Deputy Tahsildar directed respondent No.6 to take over the subject shop. He further submitted that the petitioner is involved in 6-A case and the same is pending disciplinary action before respondent No.3. The petitioner has the option to seek appropriate remedial relief before respondent No.2-Joint Collector and respondent No.3-Revenue Divisional Officer, since the matter is presently pending enquiry. 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 and fairly conceded by the learned Assistant Government Pleader, 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 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

¹ 2002 (1) ALD 577

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 cardholders, 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

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

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