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APHC010209582026



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

[3331]

WEDNESDAY, THE 24th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11451/2026

Between:

1.SHIRIDI SAIRAM MAHILA SAKTHI SANGHAM, REP.BY ITS
PRESIDENT SMT.PITHANI DEVI W/O SRINIVASA RAO, OCC.
F.P.SHOP DEALER FOR SHOP NO.433010 AGE.50 YEARS, R/O
H.NO.11-155, MASEED CENTER, ANAPARTHY TOWN, EAST
GODAVARI DIST.

...PETITIONER

AND

1.STATE OF ANDHRA PRADESH, REP.BY ITS EX-OFFICIO
SECRETARY TO GOVT, CONSUMER AFFAIRS, FOOD AND CIVIL
SUPPLIES SECRETARIAT, AMARAVATHI, GUNTUR DIST.-522237

2.THE DISTRICT COLLECTOR, EAST GODAVARI DIST., AT
RAJAMAHENDRAVARAM.-533101

3.THE JOINT COLLECTOR, EAST GODAVARI DIST., AT
RAJAMAHENDRAVARAM.-533101

4.THE REVENUE DIVISIONAL OFFICER, RAJAMAHENDRAVARAM,
EAST GODAVARI DIST.-533101

5.THE TAHSILDAR, ANAPARTHY MANDAL, EAST GODAVARI DIST.-
533341

6.LANKA JOSEPH TAGORE BABU, S/O ASIRWADHAM AGE.60
YEARS, R/O MOTHER APARTMENT BESIDE RAMADEVI HOSPITAL,
ANAPARTHY TOWN, EAST GODAVARI DIST. PIN.533341.

...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 order issued by the 1st respondent vide G.O.Rt.No.II dt.13-3-2026 restoring the authorization of the 6th respondent in respect of Shop No.433010, Anaparthi Town, East Godavari Dist., without assigning any reason and without following the procedure as per AP State Targeted Public Distribution System (Control) Order, 2018, as illegal, arbitrary and violative of principles of natural justice and consequently set aside the 2nd revision order passed by the 1st respondent dt. 13-3-2026 and further direct the respondents 4 and 5 to continue the petitioner as FP Shop dealer 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 Suspend the operation of the 2nd revision order passed by the 1 respondent vide G.O.Rt.No.II dt:13-3-2026, by continuing the petitioner as FP Shop dealer as usual in respect of Shop No.433010, Anaparthi Town, East Godavari Dist, pending disposal of the writ petition.

Counsel for the Petitioner:

1.M M M SRINIVASA RAO

Counsel for the Respondent(S):

1.T S B V RAMA REDDY

2.GP FOR CIVIL SUPPLIES

The Court made the following order:

Heard Sri M.M.M. Srinivasa Rao, learned counsel for the petitioner; Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies, for respondents 1 to 5; and Sri Ram Reddy, learned counsel for respondent No.6.

2. Assailing the proceedings issued by respondent No.1 vide G.O.Rt.No.11 Consumer Affairs, Food and Civil Supplies (CS.I) Department dated 13.03.2026, restoring the authorisation of respondent No.6 in respect of FP shop No.433010, without following the procedure or assigning reasons, the above writ petition was filed.

3. The brief case, as per the averments in the writ affidavit, is that respondent No.6 was appointed as a Fair Price Shop dealer in respect of FP Shop No.433010, Anaparthi Town, East Godavari District. A show cause notice vide Ref.E/CS/21/2013, dated 05.11.2013, was issued to respondent No.6 based on the inspection report, dated 04.11.2013. Respondent No.6 submitted an explanation dated 12.11.2013. Respondent No. 2, by exercising the powers conferred under clause 5 of the Andhra Pradesh Distribution System (Control) Order, 2008 (for short 'the Control Order'), by proceedings Ref.E/CS/29/2013 dated 14.11.2013, cancelled the authorisation issued to respondent No.6 in respect of shop No.10, Anaparthi Town, East Godavari District. Besides cancellation of authorisation, the authority also imposed a penalty three times i.e. Rs.1,25,928/-.

(ii) Assailing the said proceedings, respondent No.6 filed an appeal before respondent No.3. Respondent No.3 dismissed the appeal (Ex.P3). Aggrieved by the same, respondent No.6 filed a revision under Clause 21 (i) of the Control Order before respondent No.2 and respondent No.2, by proceedings Ref.V9/CS/158/2014, dated 28.09.2016 (Ex.P4) confirmed the

proceedings issued by respondents 3 and 4. Thereafter, respondent No.6 filed the second revision before respondent No.1.

(iii) Respondent No.1, by Memo No.CSS-CS11/79/2017-CS.I-CSS (229666), dated 13.12.2022 (Ex.P6), while modifying the penalty to Rs.90,000/-, restored the authorization of the subject FP shop in favour of respondent No.6. Assailing the proceedings of respondent No.1, temporary dealer in respect of the subject shop, filed W.P.No18480 of 2023 and the same was disposed of by common order, dated 13.09.2023, remanding the matter to respondent No.1. Thereafter, respondent No.1 vide Memo No.FCS01-STMT0COUM/478/2023-CS-II, dated 12.03.2024 (Ex.P8), allowed the appeal filed by respondent No.6. The relevant part of the order is extracted hereunder:

“12. Further the FP shop dealer who appointed earlier are just 10th class qualified and mover over he is existed as F.PS.Dealer for the last several years in PDS system. By the time of suspension/cancellation of his F.P.Shop authosation (removal him as FP shop dealer) his age crossed for trying other employment. For the last ten years he is dwelling / leading his lives in miserable condition with financial problems and leading his life without doing FPS dealership (for maintenance of his family) for the last 10 years, it self is a big punishment to him. In view of the above facts, his requests are considered on humanitarian grounds and allowed him to continue as F.P.shop dealers while levying some reasonable penalties.

13. Government after careful examination of the matter, hereby restore the authorization of FP shop bearing No.9/ANP/2009, in favour of Sri Lanka Joseph Tagore Babu, S/o

Asheervadam, Dealer F.P.Shop No.10, Anaparthi village and Mandal, East Godavari District.”

(iv). Assailing the said order, dated 12.03.2024, the petitioner filed W.P.No.8254 of 2024 and the said writ petition was disposed of by a common order, dated 23.12.2025 (Ex.P9). A coordinate Bench of this Court set aside the order passed by respondent No.1 and remanded the matter to respondent No.1 to pass appropriate orders. Pursuant thereto, respondent No.1 passed the order impugned in this writ petition (Ex.P1).

4. Learned counsel for the petitioner would submit that respondent No.1 failed to adhere to the directions issued in W.P.No.8254 of 2024.

5. Per contra, learned Assistant Government Pleader for respondents 1 to 5 and the learned counsel for respondent No.6 supported the order passed by respondent No.1.

6. The writ petition was listed on 28.04.2026 and adjourned at the request of the learned counsel for the respondents. Thereafter, the writ petition was listed on 15.06.2026 and 22.06.2026. When the writ petition was listed on the latter date, this Court heard the learned counsel on either side in part. During the course of arguments, a query was raised by this Court regarding the *locus standi* of the petitioner, being a temporary dealer, to maintain the writ petition.

7. Today, when the matter is taken up, learned counsel for the petitioner, in response to the query raised by this Court, on 22.06.2026, submitted a copy of the decision rendered by the Full Bench of this Court in **M. Vanaja v. B. Balaseshanna and others**¹. In the said decision, the Full

¹ (2007) 4 ALD 388

Bench held that the temporary dealer is an aggrieved person and hence, can maintain the writ petition. The Court observed as under at para No.27:

27. If the expression “any person aggrieved” appearing in Clauses 20 and 21 is interpreted keeping in view the scheme of the Control Order, there cannot be any doubt that the said expression takes within its ambit a temporary fair price shop dealer and even a cardholder. The temporary fair price shop dealer is required to comply with all those conditions, which are applicable to a regular or a permanent fair price shop dealer. His/her functions are identical to that of regular/permanent fair price shop dealer. His authorisation can also be suspended or cancelled or altered in terms of Clause 5(4) of the Control Order. Once the authorisation of a permanent/regular fair price shop dealer is suspended or cancelled and a temporary fair price shop dealer is appointed in his/her place, the latter acquires a substantive interest to run the fair price shop. If the order of suspension or cancellation of authorisation of the regular/permanent fair price shop dealer is stayed or set aside, the temporary fair price shop dealer is the immediate person who is adversely affected inasmuch as his right to operate the fair price shop will get stultified by restoration of the regular/permanent fair price shop dealer. To put it differently, the authorisation of a temporary fair price shop dealer may not create a vested right in him, but he will certainly be a person affected by reinstatement of the regular/permanent fair price shop dealer and, therefore, he will certainly have the locus to question the reinstatement of the regular/permanent fair price shop dealer by filing an appeal under Clause 20 and revision under Clause 21, and we do not see any reason to give a restricted interpretation to the expression “any person aggrieved.” It is quite possible to visualize a case in which the appellate authority may, without assigning any reason or for extraneous consideration, restore the authorisation of a

permanent/regular fair price shop dealer despite the fact that he may have been found guilty of grave financial or other irregularities and gross violation of the conditions. If a narrow interpretation is placed on the expression “any person aggrieved” appearing in Clauses 20 and 21 and it is held that the temporary fair price shop dealer and/or the beneficiary of the public distribution system is not “an aggrieved person”, then there will be none to challenge patently illegal or arbitrary order passed by the appellate authority. This will not at all be conducive to larger public interest. Even otherwise, we are convinced that the expression “any person aggrieved” appearing in Clauses 20 and 21 must, keeping in view the scheme of the Control Order, receive liberal construction so as to enable any affected or interested person to challenge the order made by the competent authority under Clause 5.

8. Thus, given the above decision, this writ petition filed by a temporary dealer is maintainable.

9. Coming to the impugned proceedings (Ex.P1), it is pertinent to note that earlier this Court, by order dated 23.12.2025 in W.P.No.8254 of 2024, set aside Ex.P8, proceedings and remanded the matter to respondent No.1, since no reasons were assigned. A perusal of Ex.P1, impugned proceedings, would disclose that respondent No.1 again failed to assign any reasons, much less valid reasons. The reasons are the heart and soul of the order passed by an authority. In the **State of Rajasthan vs. Rajendra Prasad Jai**² the Hon’ble Apex Court held that reason is the heartbeat of every conclusion, and without the same, it becomes lifeless.

² (2008) 15 SCC 711

10. Although the inspecting authority pointed out eight violations during the course of inspection, respondent No.1 failed to advert to the same. The authority, except for stating that respondent No.6 crossed the age for trying any other employment and his life is in a miserable condition, failed to assign any reasons.

11. Given the above facts and circumstances of the case, this writ petition is disposed of at the admission stage with the consent of learned counsel on either side, setting aside the proceedings issued by respondent No.1 vide G.O.Rt.No.11 Consumer Affairs, Food and Civil Supplies (CS.I) Department dated 13.03.2026 (Ex.P1). The matter is remanded to respondent No.1. Respondent No.1 shall hear the petitioner, respondent No.6 and the authorities and pass a reasoned order strictly as per the Rules in vogue, duly taking note of the irregularities pointed out during the inspection. Respondent No.1 shall complete this exercise as expeditiously as possible, preferably within eight weeks from the receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 24.06.2026

IKN

Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 11451 of 2026

Date: 24.06.2026
IKN