

APHC010388502024



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

[3332]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 19579/2024

Between:

Hanumakka

...PETITIONER

AND

The State Of Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P NARAHARI BABU

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following order:

The case of the petitioner is that, the respondents are not supplying the essential commodities to her for distribution for running the fair price shop bearing No.1263014 situated in Gudduguruki village, Rolla Mandal, Sri Satya Sai District.

2. Heard Sri M.K.Raj Kumar, learned counsel representing learned counsel for the petitioner and Sri Appasani Vineeth, learned Assistant Government Pleader for Civil Supplies for the respondents.

3. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, the petitioner is the temporary fair price shop dealer for the subject fair price shop and without there being any order of suspension or cancellation, the respondents have stopped supplying the essential commodities to the petitioner for distribution since 29.08.2024 and trying to distribute the commodities through third parties as per their choice. As such filed the present writ petition and accordingly prayed to pass appropriate orders protecting the interest of the petitioner.

4. On the other hand, learned Assistant Government Pleader on instructions of the Tahsildar, Rolla Mandal dated 20.01.2026 submitted that, as the petitioner has submitted her resignation during July 2024, in order to avoid inconvenience to the cardholders, an alternate arrangement was made by keeping the Village Revenue Office as in-charge of the subject shop and upon enquiry, it was found that, due to financial problems and health issues, the petitioner had submitted resignation voluntarily and the authorities have not insisted the petitioner for resignation. He further submitted that in the event if this court inclines to interfere, a liberty may be given to the authority concerned to take steps in accordance with law.

5. Perused the record and considered the submissions made by the learned counsel for respective parties.

6. Admittedly, without there being any order of suspension or cancellation, the respondents have stopped supplying the essential commodities to the

petitioner, who is a temporary dealer for distribution. In ***Oleti Tirupathamma Vs District Supply Officer***¹, this Court has categorically held that 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 license, it may do so. But, the authority without taking recourse to the said action, cannot refuse to supply the essential commodities. In the event, an order of suspension of license is passed, the authorities will have to make an alternative arrangement. But in a case of this nature, the cardholders would be worst sufferers inasmuch their essential commodities would not be supplied to them at all.

7. Moreover, there is no material placed on record as to what enquiry was conducted upon the petitioner's resignation. In the absence of the same, this court is of the view that, the authorities cannot stop the supply of the essential commodities to the petitioner. In view of the same, without going into merits and merits of the case, as the authorities have stated that they have an intention to take steps in accordance with law, this Court is inclined to dispose of the writ petition with the following direction:

“The respondent authorities shall supply the essential commodities to the petitioner's fair price shop bearing No.1263014 situated in Gudduguruki village, Rolla Mandal, Sri Satya Sai District. However, this order does not

¹ 2002(1) ALD 577

preclude the authorities from taking steps against the petitioner in accordance with law, if so desired or advised.”

Accordingly, the writ petition is ***disposed of***. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS