



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

[3333]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 33711/2025

Between:

1. TRIVENI, W/O SRINIVASULU, AGED 34 YEARS. FAIR
PRICE SHOP DEALER FOR F.P.SHOP NO. 1263002, G B
HAUI VILLAGE, ROUH MANDAL, SRI SATHYA SAI
DISTRICT

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, CONSUMER AFFAIRS, FOOD
AND CIVIL SUPPLIES DEPARTMENT, AT
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT

2. THE SUB COLLECTOR AND REVENUE DIVISIONAL,
OFFICER, RENUKONDA, SRI SATHYA SAI DISTRICT

3. THE TAHSILDAR, ROLLA MANDAL, SRI SATHYA SAI
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 topleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the Respondents in seeking to restrain the petitioner from functioning as Fair Price Shop Dealer, in the absence of passing any order either suspending or cancelling the dealership of the petitioner, as illegal and arbitrary and to consequently direct the Respondents to continue to supply essential commodities to the petitioner regularly and allow her to function as Fair Price Shop Dealer of F.P.Shop No. 1263002 of G.B.Halli Village, Rolla Mandal, Sri Sathya Sai District and pass

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 Pleased to issue interim directions to the Respondents to allow the petitioner to function as Fair Price Shop Dealer of F.P.Shop No. 1263002 of G.B.Halli Village, Rolla Mandal, Sri Sathya Sai District, by regularly supplying the essential commodities to the petitioner pending disposal of W.P.No. of 2025 and pass

Counsel for the Petitioner:

1.N RANGA REDDY

Counsel for the Respondent(S):

1.GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the Respondents in seeking to restrain the petitioner from functioning as Fair Price Shop Dealer, in the absence of passing any order either suspending or cancelling the dealership of the petitioner, as illegal and arbitrary and to consequently direct the Respondents to continue to supply essential commodities to the petitioner regularly and allow her to function as Fair Price Shop Dealer of F.P.Shop No. 1263002 of G.B.Halli Village, Rolla Mandal, Sri Sathya Sai District....”

2. The brief facts of the case of the petitioner is that:-

a. The petitioner was appointed as a permanent fair price shop dealer for shop no.1263002, GB Halli Village, Rolla Mandal, Sri Sathya Sai District in the year 2011. The petitioner's authorization has been extended from time to time. Since the date of her appointment, the petitioner has been supplying essential commodities to the cardholders without there being any complaint from any corner.

b. While so, due to political pressures in view of change of Government, the authorities are seeking to terminate the petitioner's fair price shop dealership on one ground or another.

In that process, on 05.11.2025, the Regional Vigilance & Enforcement Officers along with Civil Supplies Deputy Tahsildar, Village Revenue Officer, inspected the petitioner's fair price shop in her absence, while the petitioner was admitted to the hospital due to sudden ailment. During the inspection, they alleged certain variations in the stock available in the petitioner's Fair Price Shop and certain irregularities in the distribution of essential commodities. Insofar as fortified rice is concerned, no variation was found. However, in respect of sugar and jowar stocks, they alleged minor variations, namely 20 packets of sugar ($\frac{1}{2}$ kg each) and 11 kgs of jowar, which are minimal in nature. On the basis of the alleged irregularities, a 6-A case was booked against the petitioner, and the existing stock was seized and handed over to the Village Revenue Officer, GB Halli Village. Thereafter, basing on the report submitted by the 3rd respondent, the 2nd respondent issued a show cause notice dated 27.11.2025, framing a single charge against the petitioner alleging shortage of 20 packets ($\frac{1}{2}$ kg each) of sugar and 11 kgs of jowar in the petitioner's Fair Price Shop, for which the petitioner submitted her explanation on 02.12.2025.

3. However, the grievance of the petitioner in the present case is that though the variations found in her shop are within the permissible limits prescribed per Clause 29(a) of the APSTPDS Control Order, 2018, for which the petitioner has already submitted her explanation on 02.12.2025; despite there being no order of suspension or cancellation, the respondent authorities have stopped supplying essential commodities to the petitioner's Fair Price Shop.

4. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies for the respondents.

5. Learned counsel for the petitioner while reiterating the contentions, placed reliance on the decision of Full Bench reported in ***Oleti Tirupathamma v. District Supply Officer (City) Visakhapatnam and others***¹ in support of his contention. On the strength of the principle laid down in the above judgment, learned counsel for petitioner requested this Court to direct the respondents to allow the petitioner to run his fair price shop and to supply essential commodities to the cardholders.

¹ 2002 (1) ALD 577

6. On the other hand, learned Assistant Government Pleader for Civil Supplies supported the action of the respondents in all aspects, but, however admitted that so far neither the petitioner's authorization has been suspended or cancelled.

7. Earlier, a similar question came up before the Full Bench of High Court of Andhra Pradesh in **Oleti Tirupathamma's** case (1 supra) 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 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 him to distribute the same to the card holders, allotted to his fair price shop, till his 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. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

Date: 04.12.2025
LSP