

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 28067 of 2005

Between:

Smt.Rayapudi Pushpavalli

..... PETITIONER

AND

The Joint Collector, Khammam,

Khammam District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not allotting the stocks and not permitting the petitioner to supply the stocks to the cardholders, as illegal and arbitrary, the present writ petition is filed.

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

It is stated that the petitioner is a fair price shop dealer of Shop No.11 of Zahirpura, Khammam town. While so, the shop of the petitioner was inspected and the stock of certain essential commodities have been seized on the ground that the petitioner has committed certain irregularities and on the report filed by the Deputy Tahsildar (Civil Supplies), Khammam, 6-A proceedings have been initiated by the

1st respondent. It is stated that pursuant to the report of the Deputy Tahsildar (Civil Supplies), Khammam, dated 28.10.2005, 6-A proceedings have been taken on file and the seized stocks were allotted to the neighbouring fair price shop for distribution to the cardholders, vide proceedings of the 3rd respondent dated 15.11.2005. It is further stated that the fair price shop dealership of the petitioner has not been cancelled or suspended. If that be so, the petitioner cannot be prevented to distribute essential commodities to the cardholders. No doubt pendency of 6-A proceedings is one of the grounds to initiate action either to cancel or suspend the license, but as long as the authorization of the petitioner is not suspended or cancelled, the respondents cannot prevent the petitioner to lift the essential commodities and supply the same to the cardholders.

Having regard to the facts and circumstances of the case, the respondents are directed to allot stocks to the petitioner and permit her to supply the same to the cardholders as long as her authorization has not been cancelled or suspended.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 30.12.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr