

HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.6314 OF 2006

DATE:31.03.2006

Between:

K. Venkateshwarlu & another

..... PETITIONERS

AND

The District Collector, Nellore District
& another.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

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W.P. No.6314 OF 2006

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ORDER:

This Writ Petition has been filed seeking writ of Mandamus declaring the action of the second respondent in taking steps to transfer ration cards of the petitioners and other 68 persons from fair price shop of Nadumuru to the fair price shop of East Gogulapalli village, Allur Mandal, Nellore District without their specific request and without giving any opportunity to them, as arbitrary and illegal, and consequently direct the respondents to retain their ration cards only with the fair price shop of Nadumuru village.

Even as per the averments made in the affidavit filed in support of the writ petition, it is to be seen that one fair price shop, which was initially established at Nadumuru village, was catering the needs of five villages namely; 1. Gopalapuram; 2. Chandrasekharapuram; 3. Harijanwada; 4. Nadumuru; & 5. East Gogulapalli. Subsequently, the said shop was bifurcated into two ration shops and the new ration shop has been established at East Gogulapalli village and admittedly, the petitioners are the villagers of East Gogulapalli. As the second respondent initiated steps to transfer the ration cards of the petitioners and other 68 persons, who are the residents of East Gogulapalli village, from the fair price shop of Nadumuru village to the newly established fair price shop of East Gogulapalli village, the petitioners filed a representation requesting the second respondent not to take steps to transfer their ration cards without their consent from Nadumuru shop to the newly established

shop at East Gogulapalli village. Now, the petitioners complain that no orders as such have been passed on the representation, which is said to have been submitted on 6.3.2006.

As seen from the averments, it is obvious that the fair price shop dealer of Nadumuru village, from where the petitioners are drawing the essential commodities, is behind the petitioners as it appears that the dealer does not want to loose the cards of the petitioners and others, which are proposed to be allotted to the newly established fair price shop at East Gogulapalli village. This Writ Petition lacks bona fides. With regard to the representation of the petitioners, even as per their own averments, the alleged representation was filed on 6.3.2006 and without giving breathing time to the authorities, the petitioners cannot complain inaction on the part of the respondents. It is well settled that distribution of the essential commodities and the cards to the various shops is not subject to the judicial review by this Court. It is for the respondents to consider the representation of the petitioners taking into consideration of the administrative convenience and viability of the newly established shop for allotting the ration cards. The respondents are expected to pass appropriate orders on the representation made by the petitioners by duly communicating a copy of the same to them.

The Writ Petition, with the above observations, is dismissed at the admission stage. No costs.

A. GOPAL REDDY, J

31st MARCH, 2006.

Tsr