



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

**[3332]**

THURSDAY, THE TWELFTH DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO: 19099/2024**

**Between:**

1.SRI DURGA MAHILA PODUPU SANGAM SELF HELP GROUP,  
REP.BY ITS PRESIDENT SMT.D.V.L.BHAVANI W/O KANAKA RAJU  
AGE 32 YEARS, OCC F.P. SHOP DEALER OF SHOP NO.0386103,  
GOPALAPATNAM VISAKHAPATNAM CITY, VISAKHAPATNAM DIST.

**...PETITIONER**

**AND**

1.STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPLE  
SECRETARY CIVIL SUPPLIES DEPARTMENT, SECRETARIAT,  
VELAGAPUDI, GUNTUR DIST.

2.THE COLLECTOR CS, VISAKHAPATNAM DIST, AT  
VISAKHAPATNAM.

3.THE DISTRICT CIVIL SUPPLY OFFICER, VISAKHAPATNAM CITY,  
VISAKHAPATNAM DIST.

4.THE ASSISTANT SUPPLY OFFICER, CIRCLE-1, VISAKHAPATNAM  
CITY VISAKHAPATNAM DIST.

5.MR JEEVAN KUMAR, FP SHOP DEALER FOR SHOP NO.0386078  
AT GOPALAPATNAM, CIRCLE-I VISAKHAPATNAM CITY,  
VISAKHAPATNAM DIST.

**...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 impugned order issued by the 3rd respondent vide Rc.No.171/2024/S4 dt.3-8-2024 (served on 20-8-2024) terminating the petitioner's dealership and entrusting the distribution work to the 5th respondent, who is permanent dealer in respect of the FP Shop No.0386103, Gopalapatnam, Visakhapatnam City, Visakhapatnam Dist., without following due procedure as contemplated under The Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018 is illegal, arbitrary and violation of principles of natural justice and consequently set aside the order dt.3-8-2024 by directing the respondents to release Essential Commodities in favour of the petitioner as usual and pass

**IA NO: 1 OF 2024**

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 impugned order passed by the 3rd respondent vide Rc.No.171/2024/S4 dt 3-8-2024 (served on 20-8-2024), by continuing the petitioner as dealer as usual, pending disposal of the writ petition.

**Counsel for the Petitioner:**

1.M M M SRINIVASA RAO

**Counsel for the Respondent(S):**

1KAKUMANU JOJI AMRUTHA RAJU

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2GP FOR CIVIL SUPPLIES

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**The Court made the following order:**

Assailing the order dated 30.01.2020 passed by respondent No.3 in Rc.No.171/2024/S4, dated 03.08.2024 (served on 20.08.2024) whereby the petitioner's dealership was terminated and entrusted the distribution work to respondent No.5, who is permanent dealer in respect of the Fair Price shop No.0386103, Gopalapatnam, Visakhapatnam City, Visakhapatnam District, without following the due procedure as contemplated under the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018, the present Writ Petition has been filed.

2. Heard Sri M.M.M.Srinivasarao, learned counsel for the petitioner, Sri Vineeth Appasani, learned Assistant Government Pleader for Civil Supplies appearing for the official respondents and Sri K.Joji Amrutha Raju, learned counsel for respondent No.5.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that after demise of the permanent dealer of the subject Fair Price shop, the then Collector, Visakhapatnam issued proceedings dated 27.10.2020 appointing the petitioner as a temporary dealer. He further submitted that due to change in political scenario, the MLA of Visakhapatnam West Constituency addressed a letter to respondent No.3 alleging that during his field visit in Ward No.90 & 92, cardholders complained that the petitioner was not distributing the

ration properly and requested to terminate the dealership and tag on the subject Fair Price shop to the nearest Fair Price shop. He further submitted that the entire ration for the month of July, 2024 was delivered to the cardholders through MDU operator. He further contended that respondent No.3, without following the due procedure as contemplated under the Control Order 2018, issued the impugned proceedings terminating the petitioner's dealership and entrusting the distribution work to respondent No.5, who is a permanent dealer, which is in violation of principles of natural justice. Hence, prayed to allow the Writ Petition. In support of his contention, he relied upon the judgment in ***K.Bharath v. The Collector (Civil Supplies)***,<sup>1</sup> wherein this Court held that 'whether a dealer is permanent or temporary will not make any difference in deciding these questions. Even if the petitioner is a temporary dealer, he is entitled to continue till he is removed in accordance with law.' If the charges framed against the petitioner are not proved, he cannot be displaced on the mere ground that he is a temporary dealer.

4. On the other hand, learned Assistant Government Pleader contended that MLA has authority to recommend the action to be taken against the dealer for malpractice, if any cardholder complains of such practice. He fairly submitted that if this Court inclines to interfere, a liberty may be given to the respondent authorities to take steps in accordance with law.

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<sup>1</sup> 2010 Supreme (AP) 1352

5. Perused the material available on record and considered the submissions made by learned counsel for the parties.

6. It is not in dispute that the petitioner was appointed as temporary dealer for the subject Fair Price shop. It is brought to the notice of this Court that this Court, *vide* order dated 11.09.2024, granted interim suspension of the impugned proceedings and pursuant thereto, the petitioner has been continuing as dealer of the subject Fair Price Shop.

7. For cancellation of authorization of a permanent dealer or even a temporary dealer, an enquiry has to be conducted as contemplated under law.

8. In view of the facts and circumstances of the case and taking into consideration the submissions made by learned counsel for the parties and the decision referred supra, this Court finds a flagrant violation of the principles of natural justice on the face of the impugned order. Hence, this Court deems it appropriate to dispose of the Writ Petition, without expressing any opinion on the merits of the case and even without inviting counter.

9. Accordingly, the Writ Petition is disposed of, and the petitioner shall continue to operate the subject Fair Price Shop in accordance with the orders of this Court dated 10.09.2024. However, it is made clear that the respondent authorities are not precluded from taking appropriate action,

if warranted, strictly in accordance with law and the procedure contemplated under the Andhra Pradesh State Targeted Public Distribution System (Control) Order, 2018, after affording due opportunity of hearing to the petitioner. It is further made clear that any such action shall be taken independently, without being influenced by any observations made in this order. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

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**JUSTICE RAVI CHEEMALAPATI**

12.03.2026

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**THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO. 19099 of 2024**

12.03.2026

*MP*