

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WRIT PETITION No.9937 OF 2015

Between:

Gulla Narsimhulu

...Petitioner

and

1. The State of Telangana, rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Hyderabad and five others

...Respondents

JUDGMENT PRONOUNCED ON: 04.07.2024

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE K.SARATH

1. Whether Reporters of Local : Yes/No
newspapers may be allowed to see
the Judgment ?
2. Whether the copies of judgment : Yes/No
may be marked to Law
Reports/Journals
3. Whether Their Lordship/Ladyship : Yes/No
wish to see the fair copy of
judgment

JUSTICE K.SARATH

THE HON'BLE SRI JUSTICE K.SARATH

+WRIT PETITION NO.9937 of 2015

%Dated 04.07.2024

Gulla Narsimhulu

...Petitioner

and

1. The State of Telangana, rep. by its Principal Secretary, Civil Supplies Department, Secretariat, Hyderabad and five others

Respondents

! Counsel for Petitioner: Sri Challa Srinivasa Reddy

^ Counsel for Respondents: Learned Assistant Government Pleader for Civil Supplies,
Sri M.Damodar Reddy, learned counsel for the Respondent No.6.

< GIST :

> HEAD NOTE :

? Cases referred : --

THE HON'BLE SRI JUSTICE K.SARATH**WRIT PETITION No.9937 OF 2015****ORDER:**

Heard learned counsel appearing for the petitioner, learned Assistant Government Pleader for Civil Supplies and Sri M.Damodar Reddy, learned counsel appearing for the respondent No.6 and perused the entire material on record.

2. This writ petition is filed questioning the impugned proceedings dated 05.02.2015 issued by the respondent No.4 by taking lenient view and reinstated the respondent No.6 as Fair Price Shop Dealer of Shop No.29 of Mominapur Village, Maddur Village, Mahabubnagar District. The petitioner is a resident of Mominapur Village and is a Civil Supplies cardholder.

3. The contention of the petitioner is that basing on the complaint made by him, the Deputy Tahsildar,

Enforcement submitted a report dated 09.08.2014 to the respondent No.2 stating that there are variations in the stocks and also they are not maintaining stocks register. Basing on the said report, the respondent No.2 issued show-cause notice to the respondent No.6 on 27.08.2014. After considering the explanation submitted by the respondent No.6, the respondent No.4 issued impugned proceedings imposing penalty of Rs.2,000/- and treating as first mistake, warned the respondent No.6 and also continued her authorization to distribute the commodities.

4. In the instant case, the petitioner is questioning the action of the respondent No.4 in reinstating the respondent No.6 as Fair Price Shop Dealer on the ground that the authorities ought to have cancelled the authorization of the respondent No.6, but a lenient view was taken by imposing penalty. The petitioner being a villager not given particulars of his card and he has not filed any complaint

against the respondent No.6. In view of the same, he cannot seek imposition of particular punishment on the Fair Price Shop Dealer. The competent authority has to decide the punishment after conducting proper enquiry.

5. After considering the explanation submitted by the respondent No.6, the competent authority i.e., the respondent No.4 passed impugned orders imposing penalty of Rs.2,000/- and treating it as first mistake, warned the respondent No.6. The official respondents being competent authorities have to take appropriate action as per rules and the petitioner has no *locus standi* to question the punishment imposed against the Fair Price Shop dealers as he has not filed any complaint against the respondent No.6. If the petitioner being beneficiary of the Public Distribution System, he has to receive commodities and any irregularities arise in supply of commodities, he has right to complain before the appropriate authority, but he cannot

question the orders passed by the appropriate authority on the ground that the respondents have not imposed particular punishment. Moreover, against the impugned orders, there is an appeal provision under A.P. State Public Distribution System (Control) Order, 2008. The petitioner, without availing alternate remedy, has approached this Court.

6. In *Durvin Singh v. State of Uttar Pradesh*¹, the Allahabad High Court in similar issue held as follows:

26. In a prescient judgment which predates the Act of 2013, but remains relevant till date, this Court declined to permit a card-holder to choose a dealer or seek cancellation of his license. In the case of *Ashfaq (supra)*, this Court crystallized the rights of a cardholder/complainant and held thus:

“A person, holding a ration card, is a consumer of the scheduled commodities under the Public Distribution Scheme. If he is not distributed the scheduled commodities according to his entitlement at a fair price, he may make a complaint to the food officer. The food officer is required to take an action on such complaint in accordance with the agreement with the authorized agent under clause 25 of the control order. The ration

¹ Un reported Judgment rendered by the Allahabad High Court in Writ C.No.14162 of 2021

card holder is not an adversary or the controller of the scheme of distribution of scheduled commodities to the poor persons. He does not have right to either appeal against the order of suspension or cancellation of an authorization or to file a writ petition challenging the order by which the Commissioner or the Food Commissioner, as the case may be, has allowed the appeal or has remanded the same for fresh consideration in accordance with the law. As a consumer, his rights cannot be raised to the status of choosing a dealer or to seek the cancellation of the license of the dealer. His right is confined, to his entitlement of the scheduled commodities at specified price.”

(Emphasis added)

The above Judgment squarely apply to the facts of the instant case.

7. In view of the above, there are no merits in the writ petition and needs no interference with the impugned proceedings issued by the competent authority and thereby, the writ petition is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed as devoid of merits. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE K.SARATH

Date: 04.07.2024

Note: LR Copy to be marked

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