

(1999) 04 SC CK 0125

In the Supreme Court Of India

Case No : Civil Appeal No"s. 1954-1975 of 1999 (Arising out of SLP (C) No"s. 851-872 of 1998)

District Collector and Another

APPELLANT

Vs

B. Suresh and Others

RESPONDENT

Date of Decision : 01-04-1999

Acts Referred:

Constitution of India, 1950 — Article 19(1)

Citation : (1999) 9 JT 151 : (2000) 1 RLW 116 : (1999) 5 SCC 612

Hon'ble Judges : M. B. Shah, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Substitution allowed.

2. Leave granted.

3. The short question that arises for consideration in this appeal is whether the respondents, who were appointed as Fair Price Shop Dealers under the Andhra Pradesh Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973, can claim a right to be noticed when the State Government decides to bifurcate the shops and reduce the number of cards. The High Court by the impugned judgment, being of the opinion that such Fair Price Shop Dealers are to be noticed before any alteration is made, has quashed the decision of the Government. The State assails the aforesaid judgment of the High Court.

4. Under the provisions of the Andhra Pradesh Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973, which order has been framed under the provisions of the Essential Commodities Act, 1955 a Fair Price Shop Dealer has no right to be appointed as such dealer. The licence which such dealer has obtained under the provisions of the Act to deal with the commodities has not been cancelled. The right to trade under Article 19(1)(g) of the Constitution of India is not being affected in any manner. The Government as a

policy decision, decided to reduce the number of cards per dealer. Such decision does not affect the rights, if any, of the Fair Price Shop Dealers and as such the High Court was in error to hold that they were to be given any notice prior to the impugned decision of the State Government.

5. We, accordingly, set aside the impugned order of the High Court and allow this appeal. There shall be no order as to costs.