

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO: 21325 of 2004**

Between:

Matta Ramanjaneyulu, S/o.Venkanna, Fair Price Shop dealer

Of Shop No.21, Dumpagadapa village, Akividu Mandal, West Godavari District.

.... PETITIONER

AND

1) Joint Collector Eluru, West Godavari District.

2) Revenue Divisional Officer, Narsapur, West Godavari District.

3) Mandal Revenue Officer, Akividu Mandal, West Godavari

District.

(RRs 2 and 3 impleaded as per Court Order,dt.24.11.2004 in

W.P.M.P.No.28274/04)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction more particularly one in the nature of "writ of certiorari" calling for the records relating to the proceedings R.O.C.CS.1/6/10/2004 dated 30-8-2004 issued by the respondent herein and quash the same as arbitrary, illegal and unconstitutional being violate of Articles 14, 21 of

Constitution of India and consequently direct the respondent to grant stay of operation of the order dated 18-8-2004 in Roc No.1654/04 (E) issued by Revenue Divisional officer, Narsapur, West Godavari District and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SIVALENKA RAMACHANDRA PRASAD

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following:

**ORDER:**

The Petitioner was appointed as a Fair Price shop dealer in the year 1990, for Shop No.21 of Dumpagadapa village, Akividu Mandal. His authorization was suspended by the second respondent, through his proceedings, dated 18.08.2004. Aggrieved thereby, the petitioner filed an appeal before the first respondent, together with an application for grant of interim orders. The first respondent rejected the application through proceedings, dated 30.08.2004. The same is challenged in this writ petition, with a prayer for direction, to suspend the proceedings, dated 18.8.2004, passed by the second respondent.

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

3. The first respondent rejected the application filed by the petitioner, for staying the operation of the proceedings, dated 18.08.2004. A perusal of the said order discloses that except stating that the appeal is taken on file, rejecting the stay petition, not a semblance of reason is stated by the first respondent, as to what weighed with him, to pass such an order. It discloses that the order was passed in a routine manner, without application of mind. When specific power is conferred upon the first respondent to pass interim orders, pending disposal of appeal, it is required of him, to state reasons as to why the application for interim order is rejected. The rejection of an application, without stating any reasons, reduces the exercise of statutory power, into an empty formality.

4. A perusal of the order, dated 18.08.2004, passed by the second respondent, the

appointing authority, *prima facie*, discloses that he did nothing more, than ratifying the action taken by the third respondent. Even before the authorization of the petitioner was suspended, the third respondent had entrusted the distribution of essential commodities to another agency, and requested the second respondent to take further action. The nature of application of mind by the second respondent is evident from the following sentence occurring in that order.

“... It is also reported by the Mandal Revenue Officer that he made alternate arrangement by the F.P. Shop dealer of shop No.20 Cooperative Rural Bank of Dumpagadapa Village as additional Charge of shop 21 held by Sri.M.Ramanjeyulu and requested to ratify his action. The Mandal Revenue Officer, Akividu further requested that necessary action may be taken against the dealer.

In the circumstances reported by the Mandal Revenue Officer, Akividu, the authorization of the F.P shop dealer of Shop No.21, Sri M.Ramanjaneyulu of Dumpagadapa village is hereby suspended pending disposal of the 6-A case filed against him and pending before the Joint Collector, West Godavari”.

5. Even the material placed before the second respondent by the third respondent was nothing, but a general, non-specific and vague statement, alleging that the petitioner indulged in clandestine business. Neither any instances were referred to, nor any quantities of the commodities were recovered. Such an exercise cannot be countenanced in law. The second respondent had virtually approved the steps taken by the third respondent, without examining or verifying the matter.

6. For the foregoing reasons, the writ petition is allowed. The order, dated 30.08.2004 passed by the first respondent is set aside. Further, the order, dated 18.8.2004 passed by the second respondent shall stand suspended, pending disposal of the appeal, by the first respondent. There shall be no order as to costs.

Sd/-

ASSISTANT REGISTRAR

Dated: 24th November, 2004

Note: - Issue C.C in three days

(B/o)

RAR

To

- 1) Joint Collector Eluru, West Godavari District.
- 2) Revenue Divisional Officer, Narsapur, West Godavari District.
- 3) Mandal Revenue Officer, Akividu Mandal, West Godavari District.
- 4) 2 CCs to G.P for Civil Supplies, High Court Buildings, Hyderabad(OUT)
- 5) 2 CD copies