

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 11772 of 2005**

Between:

S. Ibrahim, S/o. Fakruddin Sab,  
F.P. Shop Dealer, R/o. Nidimamidi Village,  
Puttaparthi Mandal, Anantapur District.

**..... PETITIONER**

AND

- 1 The Joint Collector, Anantapur, Anantapur District.
- 2 The Revenue Divisional Officer, Penukonda, Anathapur district.
- 3 The Mandal Revenue Officer, Puttaparthi Mandal, Anantapur District.

**.....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 a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in refusing to grant stay in his proceedings Rc.No. K4/367/2005, dated 31-3-2005 as illegal, arbitrary and consequently direct the respondents to permit the petitioner to distribute the essential commodities for Nidimamidi Village, Puttaparthi Mandal, Anantapur District pending enquiry before the 2nd respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.K.SRINIVAS**

**Counsel for the Respondents.: GP FOR CIVIL SUPPLIES**

**The Court made the following :**

## **ORAL ORDER**

The petitioner's authorization for running a fair price shop in Nidimamidi village, Puttaparthi Mandal, Anantapur District was suspended by the Revenue Divisional Officer, Penukonda by the order dated 11-03-2005. Aggrieved thereby, the petitioner preferred an appeal to the first respondent. The first respondent by the impugned order dated 31-03-2005 declined to stay the suspension of authorization order of the Revenue Divisional Officer, Penukonda, while calling for the records of the primary authority. It is against this order that the writ petition is filed.

The consideration of application for stay is a matter for the exercise of quasi-judicial jurisdiction by the first respondent. Refusal to exercise discretion for granting a stay is normally not a matter for judicial intervention as it is an interlocutory order, it does not finally dispose of the writ petition.

Accordingly, the writ petition is disposed of directing the first respondent expeditiously dispose of the appeal of the petitioner, directed against the order of the Revenue Divisional Officer, Penukonda(second respondent) dated 11-03-2005.

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**GODA RAGHURAM,J**

7<sup>TH</sup> JUNE 2005

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To

- 1 The Joint Collector, Anantapur, Anantapur District.
- 2 The Revenue Divisional Officer, Penukonda, , Anantpaur District.
- 3 The Mandal Revenue Officer, Puttaparthi Mandal, Anantapur District.
4. Two CCS to G.P for Civil Supplies, High Court of A.P. Hyderabad(OUT)
5. Two CD copies.