

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 19841 of 2004**

Between:

Kavuri Masthan Rao, S/o.China Venkaiah,  
Vayyakallu Village, Savalyapuram Mandal,  
Guntur District.

**..... PETITIONER**

AND

1. The Joint Collector, Guntur.
2. The Revenue Divisional officer, Narasaraopet, Guntur District.
3. The Mandal Revenue officer, Savalyapuram Mandal, Guntur 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 may be pleased to issue a writ of Mandamus or any other appropriate writ order or direction declaring the impugned orders Rc.No.885/04-B, dated 8-10-2004 on the file of Revenue Divisional officer, Narasaraopet as illegal, arbitrary and violative of principles of natural justice.

**Counsel for the Petitioner: MR.D.KRISHNA MURTHY**

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

**The Court made the following:**

**ORDER:**

The petitioner, who is an authorized dealer of the fair price shop of Vayyakallu village, Savalyapuram Mandal, Guntur District, filed this writ petition challenging the order dated 08.10.2004 passed by the Revenue Divisional Officer, suspending the authorization of the petitioner pending enquiry into the allegation that the petitioner has diverted the SGRY rice to the black market for his personal benefit.

The petitioner states that though he preferred an appeal against the said order before the first respondent- Joint Collector, Guntur, he failed to consider the same and no orders have been passed even on his application for stay, so far. Hence, this writ petition praying to set aside the order dated 08-10-2004.

On a perusal of the impugned order, it is clear that it was passed on the basis of the report submitted by the Mandal Revenue Officer, Savalyapuram Mandal dated 07.06.2004. It is also clear that the Mandal Revenue Inspector, Savalyapuram inspected the fair price shop of the petitioner on 25.05.2004. Though the petitioner was not available in the village, he proceeded with the inspection and since the stocks were not available in the fair price shop, he concluded that the SGRY rice was diverted to the black market, and submitted his report dated 07-06-2004. On the said recommendations made by the Mandal Revenue Officer, the Revenue Divisional Officer passed the impugned order. Thus, it is clear that the impugned order is based on the inspection conducted by the 2<sup>nd</sup> respondent in the absence of the petitioner. Having heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents, *prima facie* the procedure followed by the Revenue Divisional Officer appears to be not in accordance with law. Hence, the balance of convenience lies in favour of the petitioner and it would be appropriate to allow the petitioner to continue as a dealer till the disposal of the Statutory Appeal.

Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the appeal filed by the petitioner against the order of the 2<sup>nd</sup> respondent dated 08.10.2004 and to dispose of the same, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Till the disposal of the appeal, the impugned order dated 08.10.2004 shall not be given effect to. No costs.

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29.10.2004

Note: Issue C.C. in three days.

(B/O)  
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The Joint Collector, Guntur.

2. The Revenue Divisional officer, Narasaraopet, Guntur District.
3. The Mandal Revenue officer, Savalpuram Mandal, Guntur District.
4. 2CCs to the G.P., for Civil Supplies, High Court buildings, Hyderabad. (OUT).
5. 2CD copies.