

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24968 of 2004

Between:

D. Prasad S/o Chinna Ramanna @ Chinna Ramudu, Fair Price Shop Dealer,
Madinenidoddi Vilalge, Peapully Mandal, Kurnool District

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Kurnool.
- 2 The Mandal Revenue Officer, Peapully Mandal, Kurnool 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 or any other appropriate Writ, order or Direction of the like nature: A) Declaring that the action of the 1st respondent in issuing the impugned proceedings in Rc. No. B 1307/2004 dt 12-10-2004 suspending the petitioner's Fair Price Shop Dealership situated at Mandoddi Village, Peapully Mandal as illegal, arbitrary void *ab initio* and without jurisdiction; B) consequently direct the respondents herein to continue the petitioner as Fair Price Shop Dealer situated at mandoddi Village, Peapully Mandal, Kurnool District.

Counsel for the Petitioner: Mr.E.AJAY REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORAL ORDER:

The petitioner was appointed as Fair Price Shop Dealer for Madinenidoddi village of Kurnool District. His authorization was suspended by the 1st respondent through his order, dated 12.10.2004. Aggrieved thereby, he claims to have preferred an appeal before the Joint Collector with an application for grant of stay. It is represented that the appellate authority has not passed any orders either in the appeal or in the stay petition.

It is vehemently contended by the learned counsel for the petitioner that even after the order of suspension, dated 12.10.2004, the petitioner was continued as dealer for the month of November, 2004 and steps are now being taken to make alternative arrangements.

Heard the learned Government Pleader for Civil supplies.

This Court is not inclined to go into the merits or otherwise allegations of the petitioner. He has already availed the remedy of appeal before the 1st respondent. The application filed by the petitioner is said to be still pending. It is stated that the petitioner is continued as dealer even after the order of suspension for the month of November, 2004. If that be so, the situation does not get worse on account of the pendency of the application for stay before the Joint Collector.

Hence, the writ petition is disposed of directing that in case the

petitioner was continued as dealer for the month of November, 2004, he shall be permitted to continue as such till the appellate authority disposes of the appeal. There shall be no order as to costs.

(L. NARASIMHA REDDY, J.)

31st December, 2004.

To

1. The Revenue Divisional Officer, Kurnool.
2. The Mandal Revenue Officer, Peapully Mandal, Kurnool District.
3. Two CCs to G.P. for Civil Supplies, High court Buildings, Hyderabad (OUT)
4. Two CD copies.

Note: Furnish copy by tomorrow

(b/o)

bcj