

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 550 OF 2015

Date: 02.07.2015

Between:

Nikitha Mahila Mandali
Chittoor District.

... Appellant

And

The State of A.P., rep., by its Principal Secretary,
Consumer Affairs, Food & Civil Supplies,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 550 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 18.06.2015 passed in W.P.No.14139 of 2015, whereby the petition has been dismissed.

The writ petition was filed against the order passed by the 4th respondent, whereby the authorization of the 6th respondent came to be restored. The order of the 4th respondent was thereafter confirmed by the 3rd respondent and then by the impugned order. It appears that on some complaints the fair price shop allotted to the 6th respondent was cancelled, and on the basis of the application made by the appellants seeking permission to run the fair price shop temporarily, it was allowed to them and since then they were running the fair price shop on temporary basis. In this backdrop, learned Single while dismissing the writ petition in paragraph 4 observed thus:

“When the 4th respondent thought it fit to drop the charges and restore the authorization of the 6th respondent and confirmation of the same by the 3rd respondent, this Court is not inclined to appreciate the ground raised by the learned counsel for the petitioner, as the petitioner is only a temporary dealer. It is clear from the record that two authorities, the respondents 3 and 4, concurrently held in favour of the 6th respondent and restored her authorization. The learned counsel for the petitioner based his argument on the ground that the 4th respondent, who acted as Sub-Collector and issued the initial show cause notice, was later on promoted as Joint Collector and

confirmed the order dated 10.12.2014 passed by the present Sub-Collector. It is true that the initial show cause notice was issued by the present Joint Collector while he was working as a Sub-Collector and later on after promotion passed an appellate order on 25.04.2015. When a show cause notice was issued by the competent authority, one cannot attribute motive when he was promoted and confirmed the order passed by a different officer on 10.12.2014.”

Keeping in view the observations made by learned Judge and considering that the appellant did not have any right in the fair price shop that they were allowed to run it on temporary basis, we find no reason to interfere with the impugned order.

Hence, the appeal is dismissed.

Miscellaneous petitions, if any, also stand dismissed.

DILIP B. BHOSALE, ACJ

S.V.

BHATT, J

Date: 02.07.2015

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