

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.38106 OF 2012

DATED:11-06-2015

Between:

K. Thirumalesh ... Petitioner

And

The District Collector

Kurnool District, at Kurnool

and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Gade Venkateswara Rao

COUNSEL FOR THE RESPONDENTS: G.P. for Civil Supplies (A.P.)

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for a *Mandamus* to declare the action of the respondents in not permitting the petitioner to run the fair price shop No.41 of Cherlakothur Village, Hamlet of Govardhanagiri Village, Veldurthy Mandal, Kurnool District, as illegal and arbitrary. The petitioner also sought for a consequential direction to the respondents to continue him as fair price shop dealer of the said shop.

The petitioner pleaded that he was appointed as permanent dealer of the above mentioned fair price shop on 15.1.2010 and that since then he was functioning as the dealer. As he fell seriously ill on account of Typhoid and was admitted in a hospital on 10.10.2012, he has addressed a letter to respondent No.3 informing that he is not in a position to lift the stock and that he was resigning the dealership. However, immediately after recovery from ill-health, the petitioner made a representation on 3.12.2012 to respondent No.1 to permit him to continue as fair price shop dealer. As no decision was taken thereon, the petitioner has filed this writ petition.

This Court by interim order dt.14.12.2012 has directed the respondents to supply essential commodities to the petitioner.

In the counter affidavit filed by respondent No.3 it is *inter alia* stated that in pursuance of the interim order, the petitioner is being continued as the fair price shop dealer.

Inasmuch as the purported resignation of the petitioner has not been accepted and he has subsequently submitted an application withdrawing the said resignation, the petitioner is entitled to be continued as fair price shop dealer.

Accordingly, the writ petition is allowed as prayed for.

As a sequel to disposal of the writ petition, W.P.M.P. No.48331 of 2012 and W.V.M.P. No.134 of 2013 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

11-6-2015

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