

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.512 of 2015

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies appearing for the respondents.

This writ petition is filed challenging the notice issued by the second respondent-Sub. Collector, Madanapalle, vide Roc/A3/4351/2014, dated 23.07.2014 attaching certain vacant fair price shops to adjacent dealers on the ground that some unauthorized persons acted as fair price shop dealers.

In the writ affidavit, it is stated that the first petitioner is a President of Vinayaka Dwacra Group and the second petitioner is the Secretary of said group. It is the case of the petitioners that Fair Price Shop No.50 (U) was allotted to them on 20.10.2010 and they have been distributing essential commodities. While so, the second respondent issued a notice on 06.06.2014 asking them to show the orders of appointment and submit their explanation.

The petitioners submitted their explanation but did not produce any orders of appointment. In those circumstances, the impugned order was passed by the second respondent on 23.07.2014. Aggrieved by the said impugned orders, the present writ petition is filed.

A perusal of the impugned order dated 23.07.2014 shows that the name of the petitioner-Group is shown at Serial No.5 under column No.6 viz., "Group attached to". A perusal of the impugned order further shows that the name of Smt. Aruna is shown in the fourth column "original dealer" for Madanapalle (Urban) shop and on cancellation of authorization, the original dealer filed a writ petition before this Court and therefore, the said fair price shop was attached to the petitioners. Accordingly, the petitioners were given notice on 06.06.2014 and the petitioners submitted their explanation on 30.06.2014, but they failed to produce the relevant orders issued in their favour.

The second respondent passed orders in view of para 12 (vi) and (viii) of

G.O.Ms.No.4 Consumer Affairs Food & Civil Supplies (CS.I) Department, dated 19.02.2011, which says that even temporary arrangements for attaching the cards to nearby fair price shop shall be ordered by the appointing authority concerned and not by the Tahsildar/ASO. It is the case of the petitioners that they were already authorized by the Tahsildar to run the shop, however, they failed to produce any order. Since the Tahsildar is not the competent authority, the impugned order was passed. Therefore, I see no ground to interfere with the impugned order passed by the second respondent dated 23.07.2014.

Accordingly, the writ petition is dismissed. Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed. No order as to costs.

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RAMALINGESWARA RAO, J)

Date: 12.06.2015

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Date: 12.06.2015