

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.6381 OF 2009

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ORDER:

This writ petition is filed challenging the order dated 09.02.2009, passed by the 1st respondent-District Collector whereby confirming the order dated 18.07.2002 passed by the 2nd respondent-Joint Collector.

Heard Sri S.V.Muni Reddy, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies (A.P).

The case of the petitioner is that he was appointed as a fair price shop dealer on 26.03.2002 pursuant to the notification dated 15.10.2001. The petitioner was granted license for purchase and sale of essential commodities and the same was being renewed from time to time. Petitioner had distributed the essential commodities for the month of March, 2009 and he deposited the amount for the stock for April, 2009 on 19.3.2009. While things stood thus, the respondents 4 to 6 preferred an appeal before the 2nd respondent-Joint Collector questioning the appointment of the petitioner as fair price shop dealer, and sought the stay of the appointment of the petitioner. The 2nd respondent rejected the request of the respondents 4 to 6 for staying the operation of the appointment of the petitioner. Subsequently after its enquiry, the 2nd respondent allowed the appeal filed by the respondents 4 to 6 and remanded the matter to the Revenue Divisional Officer, Chittoor, for fresh consideration vide his order dated 18.7.2002. As the order dated 18.07.2002 passed by the second respondent is a non speaking order, the petitioner questioned the same by filing a revision before the 1st respondent-District Collector. The first respondent mechanically confirmed the same without deciding the matter on merits. It is the case of the petitioner that the remand made by the 2nd respondent-Joint Collector, is bad in law and especially considering the fact that the respondents 4 to 6 are totally strangers to the proceedings before the authorities and they have no locus standi to question the same.

When the main writ petition came up for admission, this Court granted an interim direction to the respondents authorities to continue the petitioner as fair price shop dealer until further orders in W.P.M.P.No.8335 of 2009. Both the orders of the Joint Collector as well as the District Collector are totally bereft of the reasons and there was no reason for the authorities to remand back the case to the Revenue Divisional Officer, Chittor.

On the other hand, learned Government Pleader opposed the writ petition and submits that the complaints made by the respondents 4 to 6 are to the effect that the cases of Dwakra Group members who participated in the interview were not called for interview and only the leaders of the Dwakra group were called for interview and their signatures were obtained though they were not the candidates for the fair price shop dealerships. Further their candidatures have been totally ignored and neglected and they have not even been given a chance to face the interview. In view of the reasons stated by the respondents 4 to 6 were acceptable, the 2nd respondent-authorities had considered and directed the R.D.O to reconsider the matter afresh.

In view of the judgment of this Court reported in **M. Vanaja vs. B. Balaseshanna and others**, the objection raised by the petitioner that the respondents 4 to 6 have no locus standi is unsustainable. In that view of the matter, the order passed by the 2nd respondent-Joint Collector as confirmed by the 1st respondent-District Collector and remanding the case back to the R.D.O does not suffer from any infirmity. However, considering the fact pending disposal of the writ petition on account of the stay granted, the petitioner was continued as a fair price shop dealer, it would be proper to allow the petitioner to continue as a fair price shop dealer until the final orders are passed by the R.D.O. This temporary arrangements shall not be construed as conferring any right in favour of the petitioner for claiming priority or preference for the appointment as a fair price shop dealer.

With the above observations, the writ petition is disposed of.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in the writ petition, shall also stand closed.

JUSTICE CHALLA KODANDA RAM

Date:09.11.2015

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THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

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