

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.15944 of of 2011

—

Dated 03.06.2015

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Between:

Neelapu Balakrishna Reddy

... Petitioner

and

Joint Collector and 2 others

...Respondents

Counsel for the petitioner: VVN.Sudhakar Reddy

Counsel for respondents 1 & 2: GP for Civil Supplies (AP)

The Court made the following:

Order:

At the interlocutory stage, the Writ Petition is taken up for hearing and disposal with the consent of the learned Counsel for the parties.

This Writ Petition is filed for a Mandamus to declare the action of

respondent No.2 in selecting respondent No.3 as fair price shop dealer of shop No.25, Kumarapuram Village, Payakaraopeta Mandal, Visakhapatnam District, *vide* proceeding in Rc.No.1335/2011/C, dated 30-05-2011, as illegal and arbitrary.

At the hearing, Mr.VVN.Narayana Rao, learned Counsel for the petitioner, has submitted that though respondent No.3 has been selected, he has not been appointed so far.

In my opinion, the cause of action for the petitioner to avail legal remedies would not arise till an order of appointment as fair price shop dealer is made, for, the remedies of appeal and revision provided under the extant control order are not available upon the mere selection of a third party until the selected candidate is appointed. In this view of the matter, I perceive this Writ Petition as wholly premature.

One other reason for dismissing this Writ Petition is that the petitioner has bypassed the remedies of appeal and revision, which are available if he feels aggrieved by the order appointing respondent No.3, and invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

For these reasons, this Writ Petition is dismissed without adjudicating on the merits of the case and with liberty to the petitioner to avail the above-mentioned statutory remedies, if and when respondent No.3 is appointed as the dealer of the fair price shop in question.

As a sequel to dismissal of the Writ Petition, interim order, dated 16-06-2011, is vacated and WVMP.No.4178 of 2011 and WPMP.No.19097 of 2011 are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd June, 2015

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