

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

Writ Petition No.36376 of 2012

Dated 08.10.2015

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Between:

Malla Mahesh Bapu Naidu and another

... Petitioners

and

-

The Govt. of A.P.,

rep. by its Ex-Officio Secretary to the Govt.,

Dept., of Consumer Affairs, Food & Civil Supplies

Hyderabad and 2 others

...Respondents

Counsel for the petitioners: Mr.Ch.Venkatanarayana

Counsel for the respondents: AGP for Civil Supplies (AP)

The Court made the following:

Order :

This Writ Petition is filed for a Mandamus to declare the action of respondent Nos.2 and 3 in taking steps to fill up the vacancies of Fair Price Shop Nos.36 and 14 of Anakapalli and Nathavaram Village respectively of Visakhapatnam District, as illegal and arbitrary.

At the hearing, the learned Assistant Government Pleader for Civil Supplies (AP) submitted that the applications made by the petitioners for their appointment, in place of their respective fathers, on compassionate grounds were considered and petitioner No.2 was, accordingly, appointed as the Fair Price Shop dealer of Nathavaram Village.

As regards petitioner No.1, the learned Assistant Government Pleader submitted that his case was not considered as he is not residing within the jurisdiction of Fair Price Shop No.36 of Anakapalli. He has, however, conceded that no order in this regard has been passed.

In my opinion, if the respondents find petitioner No.1 ineligible, it is appropriate that they pass an order in writing. However, since the reason for not appointing petitioner No.1 is stated to be that he is not residing within the jurisdiction of Fair Price Shop No.36, it would be in the interests of justice that he is permitted to submit proof of his residence. Accordingly, petitioner No.1 is permitted to make a representation and submit proof of his residence, if any, within the jurisdiction of Fair Price Shop No.36 of Anakapalli within two weeks from the date of receipt of this order. Within one month thereafter, respondent No.2 shall consider the petitioner's representation, take appropriate decision thereon

and communicate the same to him.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, interim order, dated 26-11-2012, is vacated and WPMP.No.46210 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 8th October, 2015

LUR