

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.19030 of 2012

Date:02.06.2015

Between:

P.Ramesh Babu,

S/o Late Veeramallu

..... Petitioner

And:

The District Collector, Chittoor

and four others.

.....Respondents

Counsel for the Petitioner: Sri Md.Saleem

Counsel for Respondent Nos.1 to 4: GP for Civil Supplies (AP)

Counsel for Respondent No.5: Sri D.Kodanda Rami Reddy

The Court made the following:

ORDER:

This Writ Petition is filed for a *Certiorari* to quash order in D.Dis.No.(C1)1222/2011, dated 31.05.2012, of respondent No.1, whereby he has confirmed order in proceedings, vide D.Dis.(C1)1247/2010, dated 11.11.2011, of respondent No.2 setting aside the order, dated 06.11.2010, in proceedings, vide D.Dis.(A3)7060/2008, of respondent No.3 appointing the petitioner as a fair price shop dealer.

The only ground on which the petitioner's appointment as fair price shop dealer was set aside by respondent No.2, and the same was confirmed by respondent No.1, was that he was convicted for the offences under Sections 324 and 148 IPC and sentenced to pay a fine of Rs.300/- and Rs.100/- respectively.

At the hearing, Sri Md.Saleem, learned counsel for the petitioner, while not disputing the fact that his client's conviction has disqualified him to be appointed as fair price shop dealer, has, however, stated that Criminal Revision Case No.1983 of 2012 filed against the said conviction is pending before this Court.

In my opinion, as the petitioner was not only involved in a criminal case, but also convicted, the orders of respondent Nos.1 and 2 cannot be termed as illegal.

In this view of the matter, I do not find any reason to interfere with the orders of respondent Nos.1 and 2. However, it is made clear that in the event, the petitioner succeeds in the said Crl.R.C., his fair price shop authorisation must be restored.

Learned counsel for the petitioner submitted that till now only a temporary fair price dealer is appointed and the vacancy is not filled up on permanent basis. Learned Government Pleader for Civil Supplies (Andhra Pradesh) is unable to confirm this fact. If no permanent fair price shop dealer has been appointed so far, respondent No.3 shall not fill the vacancy on permanent basis. In the event, a permanent fair price shop dealer has already been appointed, before his replacement with the petitioner, in the event of the latter succeeding in the above-mentioned Crl.R.P., a notice shall be issued to the permanent fair price shop dealer and appropriate order be passed thereafter.

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

As a sequel to disposal of the Writ Petition, WPMP.No.24394 of 2012 is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

2nd June, 2015

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