

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.2236 of 2012

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Between:

1. Narayanam Seetarama Dikshitulu and others.

PETITIONERS

AND

1. The District Collector, Ongole, Prakasam District, and others.

RESPONDENTS

ORDER:

This writ petition is filed for the following relief –

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification R.C.F/35/2012 dt:05-01-2012 issued by the 3rd Respondent reserving and allotting (1) East Gangavaram Fair Price Shop for scheduled tribes women and Self-Help groups (2) Turukapalem Fair

Price Shop No.1 for physically handicapped (3) Lakkavaram Fair Price Shop No.2 for physically handicapped (4) Nagambotlapalem Fair Price Shop for scheduled tribes, for grant of Fair Price Shop Dealership Authorisation on permanent basis as arbitrary, illegal, improper, unjust, void, vitiated, unconstitutional, violative of G.O.Ms.No.52 dt: 18.12.2008 and violative of the fundamental rights guaranteed under Article 14, 19(1)(g) and 21 of the Constitution of India and consequently set aside the Notification R.C.F/35/2012 dt: 05-01-2012 and direct the respondents to declare the above Fair Price Shops as General Quota as for the last several years all these Fair Price Shops are in O.C. Quota since the majority of the population in the above villages are O.Cs and grant such other necessary relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case....”

In this writ petition the relief, which has been sought, is general in nature and no particular relief, as such, is sought by the petitioners for themselves. In other words, virtually, the relief is sought in representative capacity seeking a direction to the respondents to adhere to the guidelines and procedure notified under G.O.Ms.No.52, dated 18.12.2008.

It is brought to the notice of this Court that after the G.O.Ms.No.52, dated 18.12.2008, G.O.Ms.No.4 dated 19.2.2011 came to be issued prescribing the procedure for appointment of fair price shop dealers and also criteria that is required to be undertaken. However, the learned counsel for the petitioner fairly submits that even G.O.Ms.No.4 dated 19.02.2011 has been superseded by G.O.Ms.No.10, dated 28.05.2014.

In the facts and circumstances of the present case, and considering the fact that no relief is sought by the petitioners for themselves, interest of justice would be served if a direction is given to the respondents hereinafter appoint the fair price shop dealers by taking into consideration the procedure notified in G.O.Ms.No.10 dated 28.05.2014 as applicable as on today.

With the above direction the writ petition is closed. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

16th November, 2015

Js.