

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.7317 of 2015

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies (TG).

2. This writ petition is filed seeking writ of *Mandamus* declaring the impugned orders in No.B/144/2015 dated 13.03.2015 of the 3rd respondent in keeping the Fair Price Shop dealer of Pallamarri as Additional charge for the petitioner's Fair Price Shop at Lalkota, Chinna Chintakunta Mandal, Mahabubnagar District, on the pretext that proposals are submitted for suspension, as arbitrary and illegal and for a consequential direction to continue the petitioner as fair price shop dealer.

3. On the complaint made by the villagers, the fair price shop of the petitioner was allegedly inspected and some card holders were examined by the authorities. It is said that certain variations were also found. In any event, the authorisation of the petitioner was not suspended. While so, when the authorisation of the petitioner is subsisting, the 3rd respondent passed the impugned order keeping the neighbouring fair price shop dealer as additional charge for the fair price shop of the petitioner. Learned counsel appearing for the petitioner submits that as per the Control Order, the Appointing Authority only has the power to pass such an order and the 3rd respondent-the Tahsildar has no jurisdiction or authority.

4. Under these circumstances, this Court is of the view that *prima-facie*, the 3rd respondent-Tahsildar without jurisdiction has passed the impugned order and it is liable to be set aside. Accordingly the impugned order is set aside. However, it is made it clear that this

order does not preclude the appropriate authority from conducting any enquiry against the petitioner and to pass final orders.

5. Accordingly, the writ petition is disposed of. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

R.KANTHA RAO, J

Date: 20.03.2015
Note: Furnish CC by 23.03.2015
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HON'BLE SRI JUSTICE R.KANTHA RAO

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Date: 20.03.2015

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