

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.25121 OF 2011

DATED:05-06-2015

Between:

Madabala Anuradha ... Petitioner

And

The District Collector

East Godavari District at Kakinada

East Godavari District, A.P.

and others

... Respondents

COUNSEL FOR THE PETITIONER: None appeared

COUNSEL FOR RESPONDENT NOS.1 to 3: A.G.P. for Civil Supplies (AP)

COUNSEL FOR RESPONDENT NO.4: None appeared

THE COURT MADE THE FOLLOWING:

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ORDER:

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This writ petition is filed for the following substantive relief:

“...to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 2nd respondent in issuance of orders in Ref.G.No.1792, dated 16.8.2011 in favour of the 4th respondent as illegal, arbitrary and also oppose to the principles of natural justice, consequently direct the 2nd respondent to consider the application of the petitioner dated 01.08.2011 for appointment of dealership for the fair price shop No.32 of Dharmavaram Village, Parthipadu Mandal, East Godavari District, by suspending the orders of the 2nd respondent in Ref. G. No.1792, dt.16.8.2011.”

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At the hearing, there is no representation for the petitioner. Though notice was served on respondent No.4, he has not entered appearance.

I have heard the learned Assistant Government Pleader for Civil Supplies (AP) and perused the record.

The petitioner, who claims to be a member of a DWACRA Group, assailed the action of respondent No.2 in appointing respondent No.4 as temporary fair price shop dealer of Shop No.32 of Dharmavaram Village, East Godavari District, without following any procedure. This Court by order dt.7.9.2011 suspended the said order. As a result of the said interim order, respondent No.4 was not allowed to function as temporary dealer, and some in-charge arrangement was made for running the shop.

As respondent No.2 has not followed a fair procedure in appointing respondent No.4 as temporary dealer, the impugned order dt.16.8.2011 cannot be sustained and the same is accordingly set aside. Respondent No.2 is directed to initiate immediate action for filling up the vacancy on permanent basis and complete the same within three months from the date of receipt this order. Till the vacancy is permanently filled up, the preset arrangement for running the fair price shop in question shall be continued.

Subject to the above directions, the writ petition is allowed to the extent indicated above.

As a sequel to disposal of the writ petition, W.V.M.P. No.4817 of 2011 and W.P.M.P. No.30892 of 2011 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

05-6-2015

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