

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.12893 of 2015

ORDER

Heard learned counsel appearing for the petitioners, learned Government Pleader for Civil Supplies appearing for respondent Nos. 1 to 3, and learned Standing Counsel for Civil Supplies Corporation appearing for respondent No.4.

This writ petition is filed seeking to declare the endorsement of the 2nd respondent dated 9.4.2015 & 21.4.2015, as arbitrary and illegal.

The second petitioner is the owner of Sri Dhanalakshmi Rice Mill, SPSR Nellore District and the first petitioner took the rice mill on lease on 04.12.2013. Thereafter, the first petitioner made an application on 20.01.2014 to the District Supply Officer, Nellore, for grant of licence under the provisions of the Andhra Pradesh Schedule Commodities Dealers (Licensee, Storage and Regulation) Order, 2008. On receipt of the said application, the Joint Collector made endorsement on 9.4.2015 stating that the petitioner should furnish an undertaking for an amount of Rs.11,52,096/-, which is due from M/s. Lakshmi Srinivasa Traders and further action will be taken only after receipt of the said undertaking. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner is only lessee of the rice mill and he has nothing to do with the amount of Rs.11,52,096/- due from M/s.Lakshmi Srinivasa Traders.

Learned Government Pleader for Civil Supplies placed

before this Court the written instructions in the matter.

A perusal of the said instructions shows that nothing is stated as to whether the petitioner has violated any law.

In the circumstances, the Writ Petition is allowed setting aside the impugned endorsement dated 9.4.2015. The 2nd respondent is directed to consider the application dated 20.01.2014 of the petitioner for issuance of licence within a period of thirty (30) days from the date of receipt of a copy of this order. However, this order will not preclude the respondents from recovering the amount due from M/s.Lakshmi Srinivasa Traders.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

10th June, 2015

rkk