

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22872 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as fair price shop dealer of shop No.14 of Chadmal Village, Gandhari Mandal, Nizamabad District. The authorization of the petitioner is valid till 31.03.2016. The petitioner was supplied of the commodities till January, 2015. When the petitioner was not supplied the commodities in the month of February, 2015, he enquired and came to know that the third respondent-Tahsildar, Gandhari Mandal passed an order on 10.02.2015 keeping another dealer as in-charge of the shop held by the petitioner. Challenging the same, the present writ petition is filed.

A perusal of the impugned memo issued by the third respondent shows that the second respondent-Revenue Divisional Officer, Kamareddy issued a show cause notice to the petitioner on 31.01.2015 and on the basis of telephonic message from the second respondent on 10.02.2015, the in-charge arrangements were made by the third respondent. The petitioner appears to have submitted his explanation in the month of February, 2015 itself.

The learned counsel for the petitioner submits that the authorization of the petitioner was not suspended and in the absence of same, the third respondent ought not to have made in-charge arrangements. If the authorization of the petitioner is in force, the third respondent cannot make in-charge arrangements without any written instructions from the second respondent.

In the circumstances, the writ petition is allowed and the order passed by the third respondent dated 10.02.2015 is set aside. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

It is needless to mention that if the petitioner's authorization is in force, the petitioner is entitled for release of the stock.

A. RAMALINGESWARA RAO, J

Date: 23.07.2015
Isn