

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.36075 of 2012

Dated 08.10.2015

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Between:

Dundi Venkateswarlu

... Petitioner

and

-

The District Collector

Warangal and 2 others

...Respondents

Counsel for the petitioner: Mr.D.Y.N.L.N.Charyulu

Counsel for the respondents: GP for Civil Supplies (TS)

The Court made the following:

Order :

This Writ Petition is filed for a Mandamus to declare the action

of respondent No.2, in not allowing the petitioner to continue as the dealer of Fair Price Shop No.27 of Nidanpuram, Hamlet of Kummarikuntla Village of Narsimhulapet Mandal, as illegal and arbitrary.

The learned Counsel for the petitioner submitted that the reason for discontinuing the allotment of essential commodities to the petitioner's fair price shop by respondent No.2 was that in the proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'), the Joint Collector, Warangal, has ordered confiscation of the stocks seized from the petitioner's fair price shop and that though the petitioner's authorization was subsisting, based on the said confiscation order, respondent No.2 has stopped allotment of essential commodities to his fair price shop.

The learned Assistant Government Pleader for Civil Supplies (TS) submitted that respondent No.2 has passed a separate order cancelling the petitioner's authorisation on 06.10.2012 and that the said order has not been questioned by the petitioner so far.

The learned Counsel for the petitioner submitted that the order of the Joint Collector confiscating the stocks seized from the petitioner's fair price shop was set aside by the District Court, Warangal, in the appeal filed under Section 6-C of the Act, on 28-10-2013, and that in view of the same, the petitioner is entitled to restoration of his authorisation.

Inasmuch as this Writ Petition was filed even before the petitioner's authorisation was cancelled and the confiscation

order of the Joint Collector was reversed by the District Court in the appeal, the subsequent events cannot be considered in this Writ Petition. Therefore, the petitioner is permitted to avail appropriate remedies for restoration of his authorization.

Subject to the liberty given to the petitioner as above, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.45851 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 8th October, 2015

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