

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

WRIT PETITION No.4616 of 2009

-
28.10.2015

Between:

S.Nagappa

.. Petitioner

and

The Joint Collector, Anantapur and others

.. Respondents

Counsel for the petitioner: Mr.M.K.Raj Kumar
for Mr.P.Narahari Babu

Counsel for the respondents: Assistant Government Pleader
for Civil Supplies (AP)

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside the order in D.Dis.No.K4/PKD/852/2008, dated 06.09.2008, of respondent No.1 dismissing the appeal filed against notification in Rc.No.779/2008/C, dated 06.05.2008, of respondent No.2.

The petitioner is the fair price shop dealer of Sankaragalla Village, Gudibanda Mandal, Anantapur District. Consequent on bifurcation of the said shop, respondent No.2 issued notification, dated 06.05.2008, inviting applications for filling up the vacancy of dealer for the newly created fair price shop i.e., Sankaragalla II shop. Feeling aggrieved by the said notification, the petitioner filed an appeal before respondent No.1. By the impugned order, dated 06.09.2008, respondent No.1 has dismissed the said appeal.

In the counter-affidavit filed by the respondents, it is, *inter alia*, stated that the Tahsildar, Gudibanda Mandal, sent proposals for bifurcation of the existing fair price shop to respondent No.2, who in turn recommended and forwarded the same to the District Collector, Anantapur, who upon examining the said proposals, *vide* his order, dated 31.03.2008, sanctioned bifurcation and thereby created a new fair price shop for Sankaragalla Village.

The learned Assistant Government Pleader for Civil Supplies (AP) placed before the Court, the relevant record, which contains proceedings, dated 31.03.2008, of the District Collector, Anantapur, whereunder he has created a new shop for Sankaragalla Village upon bifurcating the existing fair price shop. The notification, dated 06.05.2008, was issued by respondent No.2 as a consequence of creation of new fair price shop under the said proceedings, dated 31.03.2008. Admittedly, the petitioner has not questioned the said proceedings, dated 31.03.2008, of the District Collector, Anantapur,

creating a new shop by bifurcating the existing fair price shop. Unless these proceedings are questioned before the appropriate *forum*, the petitioner cannot question the consequential notification issued by respondent No.2. In this view of the matter, I do not find any merit in the writ petition.

Accordingly, the Writ Petition is dismissed, however, with liberty to the petitioner to avail appropriate remedy, if he is so advised, for questioning the bifurcation proceedings, dated 31.03.2008, referred to above.

As a sequel to dismissal of the writ petition, interim order, dated 13.03.2009, in W.P.M.P.No.6063 of 2009 is vacated and W.P.M.P.No.6063 of 2009 and W.V.M.P.No.3653 of 2015 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

28th October, 2015

GHN