

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4258 OF 2009

ORDER:

This Writ Petition is filed challenging the order dated 13.02.2009 passed in D.Dis./C1/1328/08, by the 1st respondent confirming the orders passed by the 2nd and 3rd respondents dated 04.09.2008 and 21.07.2008 respectively.

2. The facts of the case are that the 5th respondent is a permanent dealer of Allamadugu Village of Vedurukuppam Mandal, Chittoor District. During March, 2006 to June, 2008, 5th respondent did not conduct the distribution of commodities and run the fair price shop dealership on account of her ill-health. A show cause notice came to be issued to the 5th respondent for violation of the P.D.S. Control Orders, and the 3rd respondent-Revenue Divisional Officer after enquiry had restored the license in her favour vide proceedings dated 21.07.2008, in D.Dis.(B)1662/2008. During the absence of the 5th respondent, between March, 2006 and June, 2008, the petitioner was appointed as a temporary Fair Price Shop Dealer. Petitioner carried out the fair price shop and had discharged his function without any complaint and without any blemish. The order dated 21.07.2008 passed by the 3rd respondent-Revenue Divisional Officer was challenged by the petitioner by filing appeal before the 2nd respondent-Joint Collector. The 2nd respondent-Joint Collector, had dismissed the appeal filed by the petitioner vide orders dated 04.09.2008 passed in D.Dis./C1/826/08, accepting the explanation offered by the 5th respondent that on account of her ill-health she could not run the fair price shop dealership between March, 2006 and June, 2008 and also on the ground that the petitioner being a temporary dealer does not have a *locus standi* to challenge the order restoring the fair price dealership in favour of the 5th respondent. Petitioner filed further revision before the 1st respondent-District Collector.

The District Collector, accepting the same reason as a whole, noted in the order of the 2nd respondent-Joint Collector, dismissed the revision petition filed by the petitioner, vide proceedings dated 13.02.2009, in D.Dis.C1/1328/08 and confirmed the orders of the 2nd and 3rd respondents.

3. The learned counsel for the petitioner placed on record the judgment of this Court reported in **M. Vanaja Vas. B. Balaseshanna and Ors.**, wherein a Full Bench of this Court held that even a temporary dealer has *locus standi* to file appeal and revision. In the light of the law declared by a Full Bench of this Court, the reason stated by the Joint Collector as well as the District Collector is unsustainable and in that view of the matter the argument of the learned counsel Sri S.V.Muni Reddy has to be accepted. This leaves one another aspect even assuming that one of the reasons stated by the Joint Collector as well as the District Collector holding that the petitioner did not have *locus standi* to challenge the restoration order passed in favour of the 5th respondent is accepted, the question which would remain is “Whether the impugned order suffers from any illegality and violation of principles of law and requires the interference of this court? The reason for restoration of fair price shop dealership in favour of the 5th respondent is the explanation submitted by the 5th respondent about her ill-health was found to be genuine and acceptable. In that view of the matter, the restoration of fair price shop dealership, which was temporarily entrusted to avoid inconvenience to the public has been restored to the permanent dealer on her recovery from the ill-health. Since, there is no challenge and material placed before the Joint Collector or the District Collector that the contention raised by the petitioner that the reasons notes for the restoration of the fair price shop dealership in favour of the 5th respondent are not genuine, are not acceptable. In other words, the findings arrived at by the Joint Collector as well as the District Collector with respect to the ill-health of the 5th respondent is

unchallenged and there are no other irregularities which have been attributed to the 5th respondent, in those fact circumstances the restoration of the fair price shop dealership in favour of the 5th respondent by the Joint collector and the District Collector cannot be found fault. In that view of the matter, the writ petition fails and dismissed.

4. Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall also stand dismissed.

CHALLA KODANDA RAM, J

Dated: 09.11.2015

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