

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.5534 of 2015

ORDER:

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

2. This writ petition is filed seeking writ of *Mandamus* declaring the order dated 22.02.2015 passed by the 2nd respondent, as null and void.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner is the permanent fair price shop dealer of Shop No.23, Sultannagaram, Gollapalam Village. The Mandal Revenue Inspector, Machilipatam inspected the shop of the petitioner on 17.02.2014 and verified the stocks and submitted a report to the 2nd respondent. Thereafter, the 2nd respondent issued orders dated 22.02.2015 giving in-charge of the shop of the petitioner to another Fair Price Shop dealer. Learned counsel appearing for the petitioner brought to the notice of this Court about the Clause 12(vi) of the Control Orders 2008, according to which, such power can be exercised only by the Appointing Authority not by any Tahsildar or Assistant Supply Officer.

4. In view of the same, the writ petition is allowed setting aside the impugned order dated 22.02.2015 passed by the 2nd respondent. Miscellaneous applications, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 06.03.2015

Note: Furnish CC in 3 days

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URGENT

54

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Date: 06.03.2015

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