

IN THE HIGH COURT OF JUDICATURE: AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.19459 of 2015

BETWEEN:

B. Chandrashekar,
S/o. Dubbaiah. .. **Petitioner**

AND

The State of Telangana,
rep.by its Principal Secretary to the
Consumer Affairs, Food and Civil Supplies,
Secretariat Buildings, Hyderabad,
and 6 others.
.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 09.09.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

1. Whether reports of Local newspapers
may be allowed to see the judgments? YES/NO

2. Whether the copies of judgments may be marked to Law Reporters/Journals. YES/NO

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment ? YES/NO

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.19459 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.2212 of Nagunur Lachakkapet Village of Sarangapur Mandal in Karimanagar District. The second respondent-District Collector (CS), Karimnagar, issued orders on 09.10.2013 bifurcating the said shop into two shops and challenging the said proceedings of the second respondent, the petitioner filed Writ Petition No.39462 of 2013 and the same was disposed of on 23.01.2014 giving liberty to the petitioner to file a statutory appeal. Accordingly, the petitioner filed an appeal on 19.04.2014 before the fifth respondent-Director of Civil Supplies, Hyderabad, and when the fifth respondent has not passed any orders, the petitioner filed another Writ Petition No.20528 of 2014 and the same was disposed of on 23.07.2014 directing the fifth respondent to dispose of the appeal within a period of two weeks from the date of the order. Thereafter, through orders dated 17.11.2014 in CCS Proceeding No.N1/1544/2014, the Commissioner of Civil Supplies, Hyderabad set aside the orders of the second respondent dated 09.10.2013 and allowed the appeal preferred by the petitioner. Against the said order, the seventh respondent herein preferred a revision before the sixth respondent-Ex-Officio Secretary to Government, Consumer Affairs, Food and Civil Supplies Department, Hyderabad and the sixth respondent allowed the

revision by proceedings dated 15.06.2015 without issuing any notice to the petitioner who is the affected party. Aggrieved by the said order, dated 15.06.2015, the petitioner filed the present writ petition.

The learned counsel for the petitioner submits that the impugned order passed by the sixth respondent is vitiated due to non-exercise of principles of natural justice, as admittedly no notice was issued to the petitioner while disposing of the revision petition filed by the seventh respondent on 15.06.2015.

The learned counsel for the seventh respondent, on the other hand, submits that as per G.O.Ms.No.35 Consumer Affairs Food & Civil Supplies (CS-1) Department, dated 17.09.2007, the sixth respondent is competent to entertain the revision and accordingly the impugned orders dated 15.06.2015 are passed.

Though the sixth respondent is competent to entertain the revision, he ought to have issued notice to the petitioner before disposing of the revision preferred by the seventh respondent.

In view of the same, the impugned order dated 15.06.2015 is set aside and the matter is remanded to the sixth respondent directing to dispose of the revision preferred by the seventh respondent after issuing notice to the petitioner, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.

RAMALINGESWARA RAO, J)

Date: 09.09.2015

Note: Issue CC in one week

(B/o.) Isn

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.19459 of 2015

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Note: Issue CC in one week.

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Date: 09.09.2015