

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

WRIT PETITION No.6939 of 2009

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14.10.2015

Between:

Khasarla Lal Reddy

.. Petitioner

and

The Revenue Divisional Officer, Peddapalli, Karimnagar and another

.. Respondents

Counsel for the petitioner: Mr.G.Ravi,

for Mr.A.Prabhakar Rao

Counsel for the respondents: Government Pleader for Civil Supplies (TS)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not allotting kerosene to the petitioner's fair price shop No.4534, Godavari Khani Town, Ramagundam Mandal, Karimnagar District, on par with similarly situated fair price shop dealers in Godavari Khani Town, Ramagundam Mandal, Karimnagar District, as illegal and arbitrary.

The undisputed facts disclose that in the vacancy caused on account of removal of one Mr.V.Rajamouli, permanent fair price shop dealer of shop No.4534, the petitioner was appointed as the fair price shop dealer. However, during the interregnum period between the dates of cancellation of authorization of Mr.V.Rajamouli and the petitioner's appointment, one Mr.V.Raji Reddy – fair price shop dealer of shop No.4524 was kept as incharge dealer of shop No.4534. The said V.Raji Reddy filed W.P.No.25827 of 2008 obviously with a misleading averment that he was being continued as the incharge dealer of shop No.4534 and that the respondents have abruptly stopped supply of kerosene. As no counter-affidavit was filed bringing to the notice of this Court that the petitioner herein was

already appointed as the regular dealer for shop No.4534, this Court disposed of the said writ petition on 08.11.2011 directing the respondents to continue to supply kerosene so long as Mr.V.Raji Reddy continues to be the incharge dealer of shop No.4534. However, without proper application of mind, the respondents appeared to have resumed supply of kerosene attached to shop No.4534 to shop No.4524. Feeling aggrieved by this action, the petitioner filed this writ petition.

At the hearing, the learned Government Pleader for Civil Supplies (TS), on instructions, submitted that in pursuance of the interim direction granted by this Court on 02.04.2009, the respondents have resumed supply of kerosene to the petitioner's shop. He has further submitted that recently the petitioner's fair price shop authorization is suspended following registration of a case under Section 6-A of the Essential Commodities Act, 1955. This Court is not concerned with the said case as it pertains to the subsequent event. However, as regards the grievance of the petitioner with respect to which the present writ petition is filed, it needs to be held that the said V.Raji Reddy, who ceased to be the incharge dealer of shop No.4534, is not entitled to the supply of quota of kerosene pertaining to shop No.4534 and the quota of kerosene for shop No.4534 shall be supplied either to the petitioner or any other incharge dealer if the petitioner's authorization is under suspension.

Subject to the above direction, the Writ Petition is disposed of.

C.V.NAGARJUNA REDDY, J

14th October, 2015

GHN