

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.6919 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies for the State of A.P.

2. This writ petition is filed seeking Writ of *Mandamus* declaring the action of the 2nd respondent in not issuing the authorisation in respect of the petitioner Fair Price Shop of Shop No.46, Abbavandlapalli Village, Kadiri Mandal, Anantapuram District, though criminal case registered against the petitioner in CC No.347 of 2004 ended in acquittal by the judgment of the Court of Additional Judicial First Class Magistrate, Kadiri dated 09.06.2009, as illegal and arbitrary and for a consequential direction to the respondents to restore the authorisation of the petitioner to the subject Fair Price shop forthwith.

3. On the allegation that the petitioner misappropriated rice of 100 quintals relating to the Food for Work Programme, a criminal case was filed against the petitioner. Pursuant to the said case, the authorisation of the petitioner was suspended by the Revenue Divisional Officer, Penukonda. The offence alleged against the petitioner relates to the year 2003. Thereafter, the petitioner was tried for the offence under Section 406 of IPC in CC No.347 of 2004 by the Additional Judicial I Class Magistrate, Kadiri. By judgment dated 09.06.2009, the learned Magistrate found the petitioner not guilty of the charge levelled against him and acquitted him of the said charge. Learned counsel appearing for the petitioner submits that according to Clause 5(7) of the A.P. Public Distribution System (Control) Order, 2008, when once the petitioner is acquitted of the criminal charge levelled against him, the authorisation shall be restored. It is submitted that the petitioner made an application seeking restoration of his authorisation soon after the judgment in the afore mentioned criminal case, but so far no orders have been passed on his application and the authorities have been protracting the matter on the ground that they are not able to trace out the records concerned .

4. Under these circumstances, the 2nd Respondent-Revenue Divisional Officer, Kadiri, Ananthapuramu District, is directed to pass appropriate orders on the application dated 22.10.2014 made by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 17.03.2015

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HON'BLE SRI JUSTICE R. KANTHA RAO

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