

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE  
AND  
HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT APPEAL No.81 of 2016**

Date: 31.03.2016

**Between:**

Mekala Bhavani W/o Sudheer, Aged about 31 years,  
Fair Price Shop Dealer, Shop No.3, 1<sup>st</sup> and 2<sup>nd</sup> Ward,  
Yerraguntla Town, Yerraguntla Mandal, YSR Kadapa  
District.

..... Appellant/3<sup>rd</sup> party

and

A.Ganga Raju s/o Ganganna, Aged about 44 years,  
Occu: Fair Price Shop Dealer of Shop NO.3, Ward  
Nos.1 & 2, Yerraguntla Village, Yerraguntla Mandal,  
Kadapa District.

.... Respondent/  
writ petitioner

The State of Andhra Pradesh, rep.by its Principal  
Secretary, Civil Supplies Department, Secretariat  
Buildings, Hyderabad and two others.

.....Respondents/  
Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT APPEAL No.81 of 2016**

PC: (Per the Hon'ble the Acting Chief Justice Dilip B.Bhosale)

This appeal is directed against the common order dated 04.09.2015 passed in a group of writ petitions including W.P.No.14711 of 2015. Appellant was not party to this writ petition. He sought leave to file the instant appeal since according to him the order passed in the writ petition affected his right.

In the writ petition filed by respondent no.1, the following prayer was made.

“To issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the 2<sup>nd</sup> respondent in issuing notification in Rc.No.CS/3/2015, dated 06.05.2015 to fill up the shop no.3, Ward Nos.1 and 2 Yarraguntla village and Mandal, Kadapa district by reserving (BC Women) without notice to the petitioner as illegal, arbitrary, contrary to the provisions of A.P.State Public System and Control Order, 2008 and contrary to the G.O.Ms.No.53, dated 06.10.2003 and consequently direct the respondents to continue the petitioner as Fair Price shop dealer of shop no.3, Ward Nos.1 & 2, Yarraguntla village and Mandal, Kadapa District.”

2. It is clear from the prayer made in the writ petition that petitioner had challenged the action of the Revenue Divisional Officer in issuing notification dated 06.05.2015 for allotment of fair price shop no.3, Ward Nos.1 & 2, Yarraguntla village, without notice to the petitioner as

illegal, arbitrary and contrary to the provisions of A.P. State Public System and Control Order, 2008 and G.O.Ms.No.53, dated 06.10.2003.

3. We have perused the impugned order and it appears to us that the writ petition was disposed of by recording the submissions of the learned Government Pleader stating that the authorities are willing to issue a fresh notification in accordance with the Register submitted to the Court, which is going to be the permanent register indicating the number of shops and the earmarked roster points for each. It was further submitted that vacancies would be notified and applications would be invited from the respective communities only. In view thereof, the impugned notification was set aside with liberty to the respondents to issue a fresh notification as per the roster register submitted to the Court in respect of Kadapa revenue division and Ananthapuramu revenue division respectively. In view thereof, the appellant who was not party to the petition cannot seek the relief of hearing before issue of fresh notification, as contended by the learned counsel for the appellant. If at all he is aggrieved, it is always open for him to take appropriate remedy for redressal of his grievances. He is not entitled for any relief in the instant appeal. Hence, the appeal is dismissed.

Miscellaneous petitions if any pending shall stand closed. No costs.

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**DILIP B. BHOSALE, ACJ**

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**P.NAVEEN RAO, J**

Date :31.03.2016  
kkm/tvk

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Date: 31.03.2016

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