

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION Nos.14868 and 31808 OF 2010

COMMON ORDER:

The subject matter of these two writ petitions relates to appointment of fair price shop dealer of Chilkamarry Village, Faruq Nagar Mandal, Mahabubnagar District. The petitioners in these two writ petitions for different reasons assail the order of 1st respondent bearing No.CS4/237/2010, dated 01-05-2010 as illegal, violative of principles of natural justice and suffers from contradictory findings.

On the last date of hearing, the learned Government Pleader was directed to produce the original record in CS4/237/2010 and accordingly, he has produced the record for perusal of the Court and also the counsel appearing for parties.

After perusing the record, the counsel appearing for the petitioners do admit that the order impugned in the writ petitions was passed by the Joint Collector, Mahabubnagar, without issuing notice to petitioner in W.P.No.31808 of 2010, thus it is violative of principles of natural justice.

The circumstances relevant for disposal of the writ petitions are as follows:-

On 07.01.2010 Kotha Karunakar (petitioner in W.P.No.14868 of 2010) was selected and appointed as fair price shop dealer for Chilkamarry Village, pursuant to Notification dated 20-12-2009. On 05-02-2010 1st respondent cancelled the appointment order, dated 07-01-2010 and appointed Sri K.Ramesh (petitioner in W.P.No.31808 of 2010) as fair price shop dealer of Chilkamarry Village. At the instance of Kotha Karunakar, the appointment order, dated 05-02-2010 was challenged in appeal filed before 2nd respondent. Therefore, as rightly consented by the counsel appearing for the parties, the 2nd respondent did not put the aggrieved party on

notice while allowing the appeal and setting aside the proceedings dated 05-02-2010.

On this short ground, the writ petitions are allowed and the matter is remitted to Joint Collector, Mahabubnagar, for disposal in accordance with law, preferably within a period of two months from the date of receipt of a copy of this order. The petitioner in W.P.No.31808 of 2010 is directed to file a vakalat in the appeal before the Joint Collector, Mahabubnagar along with a copy of this order within four weeks from today. Thus, the further requirement of issuing notice to the beneficiary under proceedings, dated 05-02-2010, is dispensed with. No order as to costs.

Status-quo order granted on 28-06-2010, during pendency of W.P.No.14868 of 2010, is directed to be maintained till disposal of appeal by the Joint Collector, Mahabubnagar.

The writ petitions are allowed as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date: 30.03.2016

Prv

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