

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

TUESDAY, THE TWENTY THIRD DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON’BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.5028 of 2016

Between:

Isthati Ranga Reddy,
S/o. I. Ramana Reddy,
Aged 32 years,
Occ: Fair Price Shop Dealer of Shop No.20,
S.V. Palem Village, Bogole Mandal,
SPSR Nellore District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Ex-Officio Secretary to Government,
Consumer Affairs Food and Civil Supplies Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.5028 of 2016

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ORDER:

The writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking for writ of *mandamus* to declare the inaction of respondents 3 and 4 in restoring the authorization of the petitioner in respect of Fair Price Shop No.20, S.V. Palem Village, Bogole Mandal, SPSR Nellore District, despite orders of the 2nd respondent in Appeal Case No.RCB/451/2015, dated 15.10.2015, as illegal and arbitrary and to direct respondents 3 and 4 to restore the authorization in favour of the petitioner in respect of the subject Fair Price Shop.

2. As can be seen from the writ affidavit, initially the petitioner's fair price shop licence was cancelled by the Revenue Divisional Officer, Kavali, Nellore District (3rd respondent) by order, dated 21.08.2015. Aggrieved by the same, the petitioner filed appeal bearing Appeal Case No.RCB/451/2015 before the Joint Collector, SPSR Nellore District (2nd respondent), who allowed the appeal by his order, dated 15.10.2015, by setting aside the order of cancellation of the 3rd respondent by imposing a fine of Rs.5,000/-. The 2nd respondent also further directed the licence granted in favour of the petitioner to be restored.

In spite of the same, the 3rd respondent has not restored the authorization in favour of the petitioner. The petitioner has filed a representation on 17.11.2015 to the 3rd respondent to restore his

authorization. On 04.12.2015, the 3rd respondent directed the 4th respondent to implement the orders of the 2nd respondent, dated 15.10.2015, but respondents 3 and 4 have not restored the authorization in favour of the petitioner. Hence, this writ petition.

3. When the writ petition was listed for admission on 17.02.2016, the learned Government Pleader was directed to get instructions. Today, when the matter came up for consideration, the learned Government Pleader submits that the Court may pass appropriate orders.

4. In the circumstances, there being no dispute about imposition of fine, whereby compounding the violation alleged against the petitioner, the further continuing the cancellation and not restoring the authorization cannot be sustained.

5. In that view of the matter, the Revenue Divisional Officer, Kavali, Nellore District (3rd respondent) shall restore the authorization in favour of the petitioner in terms of the order, dated 15.10.2015, of the Joint Collector, SPSR Nellore District (2nd respondent) within a period of ten (10) days from the date of receipt of copy of this order.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

Date: 23rd February, 2016

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date: 23rd February, 2016

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