

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No. 9680 of 2009

ORDER:-

The petitioner prays for Mandamus declaring the inaction of respondents in allotting F.P.Shop No.107, Nellore Town, SPSR Nellore District, to petitioner, as arbitrary, illegal and unjust.

2. Learned counsel appearing for the parties have drawn my attention to the Communication No.RC.E.134/2009 dated 28.02.2009 sent from the office of District Supply Officer, SPSR Nellore District, to Revenue Divisional Officer, Nellore. The Communication is self-explanatory for discontinuance of petitioner. The communication is excerpted hereunder:

“From Sri N.Jwala Prakash, Divisional Officer, District Supply Officer, Sri Potti Sriramulu Nellore.	To The Revenue Nellore.
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Sir,

Sub: – F.P.Shop	Civil Supplies – Nellore District – Nellore City No.107 – Notification for filling on permanent basis – Connected record – Requested – Reg.
Ref: RDO, F.P.Shop No.107,	1. Notification in Rc.C.423/2009, dt 18.2.09 of Nellore. 2. Representation of Smt B.Sai Laxmi, Nellore, dated 25.2.2009.

I invite attention to the reference (i) cited, wherein notification for filling up F.P.Shop No.107, Nellore District was issued.

In the reference (ii) cited, Smt B.Sai Laxmi, F.P.Shop No.107, Nellore City represented to the Joint Collector, Nellore that her authorization is only suspended but it was not cancelled and requested to stay the notification published in the reference 1st cited.

In this context, you are request to send the file bearing Rc.C.4697/97 of RDO, Nellore for the perusal of the Joint Collector, Nellore and also inform whether the authorization of Smt B.Sai Laxmi cancelled or not and until then the new dealer can not came into existence.”

3. Having regard to the above communication, the Assistant Government Pleader submits that instead of considering the prayer of writ petitioner at this point of time and disturbing the existing arrangement, he submits that the Revenue Divisional Officer, Nellore, SPSR Nellore District, can be directed to dispose of the enquiry pending in File No.Rc.C.4697/97 within definite time frame.

4. The submission of the learned Assistant Government Pleader is accepted and I am satisfied the writ petition can be disposed of by this order.

1. The petitioner is given liberty to make representation within eight weeks from the date of receipt of copy of this order to the second respondent to take up and conclude the enquiry pending in File No.Rc.C.4697/97 in accordance with law.
2. On receipt of the representation, the second respondent is directed to pass appropriate orders in accordance with law within a further period of eight weeks thereafter.
3. It is made clear that this Court has not examined the merits of the matter and it is for the second respondent to examine the issue and pass appropriate orders.

With the above observation, the Writ Petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE S.V. BHATT

March 8, 2016
LMV