

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

[Special Original Jurisdiction]

TUESDAY THE FIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 7549 OF 2012

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Between:

T. Mukthiyar ... Petitioner

V/s.

The District Collector,
Ananthapur,
Ananthapur district & Ors. ... Respondents

Counsel for the Petitioner : Sri S.D. Gowd

Counsel for the Respondents: GP for Civil Supplies
Sri P.R.Balarami Reddy

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 7549 OF 2012

ORDER :

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Heard Sri S.D. Gowd for petitioner, Government Pleader
for Civil Supplies and Sri P.R.Balrami Reddy.

2. The petitioner complains against the inaction of respondents in considering the petitioner's case for appointment as Fair Price Shop Dealer [Shop No. 36] of Melapuram village of Hindupur Mandal, Ananthapur district as illegal, unconstitutional and contrary to extant Government orders.

3. The case of petitioner is that his father was appointed as Fair Price Shop Dealer of Shop No. 36 in the year 1982. On 05/8/2004 his father died and thereafter the respondents did not consider the petitioner for appointment as Fair Price Shop Dealer. The petitioner relies upon G.O.Ms.No.53 dated 6/10/2003 to claim preferential consideration in appointing the petitioner as Fair Price Shop Dealer.

4. The fourth respondent contends that he was appointed as temporary Fair Price Shop Dealer in the year 2004 and continued till the orders of this Court in WPMP.No.9551 of 2012.

According to fourth respondent, the claim of petitioner basing upon a Government Order issued in the yester years is unsustainable and this Court ought not to consider such belated and stale claims by reference to Government Orders issued subsequent to the demise of petitioner's father.

5. Admittedly, the father of petitioner died in the year 2004.

At that time no preferential treatment is considered to legal heirs of deceased. Therefore, Shop No. 36 was entrusted on temporary basis either to petitioner or fourth respondent. In my considered view, to ensure proper distribution of essential commodities, Respondents 2 and 3 ought to take steps for appointing a regular Fair Price Shop Dealer for Shop No. 36 and the petitioner and fourth respondent can participate in the selection process and their cases are considered along with other eligible candidates in accordance with applicable Government Orders. The second and third respondents are directed to take steps for appointment of a regular Fair Price Shop Dealers within two months from the date of receipt of a copy of this order. Till such time, ***statusquo*** as on today is directed to be maintained.

6. With the above direction, the writ petition is disposed of.

No order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this Writ Petition shall stand closed.

JUSTICE S.V. BHATT

01/03/2016
I s L

HONOURABLE SRI JUSTICE S.V. BHATT

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