

**HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**Writ Petition No.2887 of 2016**

**ORDER:**

The temporary appointment of the 6<sup>th</sup> Respondent by order dated 23-01-2016 by the 4<sup>th</sup> Respondent is challenged before this Court.

It is the case of the petitioner that pursuant to the order, dated 12-08-2015 passed by this court in W.P. No.8710 of 2015, the petitioner was entitled to continue as a fair price shop dealer. In that view of the matter, the impugned order is arbitrary and illegal and liable to be interfered with.

Sri T.V.S. Kumar, learned counsel appearing for the 6<sup>th</sup> Respondent as well as the learned Government Pleader for Civil Supplies appearing for Respondent Nos.1 to 5 submit that this Court by order, dated 12-08-2015 in W.P.No.8710 of 2015 gave liberty to the petitioner to file revision within 30 days from the date of receipt of a copy of the order. But, the revision came to be filed on 02-11-2015 after the prescribed time. As there was no revision filed by the petitioner within the prescribed time and as the petitioner was permitted to continue as dealer for a period of 30 days only by this Court, on 23-01-2016

temporary appointment of the

6<sup>th</sup> Respondent has been made and the same cannot be found fault with and it cannot be said that there is violation of the orders of this Court.

The facts are not in dispute. Though initially the learned counsel for the petitioner submitted that the revision came to be filed on 03-09-2015, it transpired that no revision as such has filed till

02-11-2015 before the 2<sup>nd</sup> Respondent. In those circumstances, the

6<sup>th</sup> Respondent being appointed as temporary dealer cannot be found fault with. Though this court directed the revision to be filed

within 30 days from the date of receipt of a copy of the order in its order, dated 12-08-2015, inasmuch as the revision has already been filed, though belatedly, there shall be direction to the 2<sup>nd</sup> Respondent to consider the revision uninfluenced by any of the observations made and pass orders on merits after giving opportunity to the petitioner. The appointment of the 6<sup>th</sup> Respondent being temporary shall be subject to the result of the orders that may be passed by the 2<sup>nd</sup> Respondent in the revision.

The 2<sup>nd</sup> Respondent shall dispose of the revision within a period of six weeks from the date of receipt of a copy of this order.

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

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**CHALLA KODANDA RAM, J**

Dated: 04.04.2016.

skmr