

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.25084 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the second and third respondents in not supplying the essential commodities to petitioner's Fair Price Shop No.17 of Dharmaram Village, Jannaram Mandal, Adilabad District and not permitting the petitioner to distribute the same amongst the card holders on his valid authorization which is neither suspended nor cancelled as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Learned counsel for the petitioner submitted that the respondents 2 and 3 have no right whatsoever to stop the supply of essential commodities to the petitioner's Fair Price Shop No.17 of Dharmaram Village, Jannaram Mandal, Adilabad District, without suspending or canceling his authorisation. A perusal of the record reveals that the petitioner was appointed as a dealer for the Fair Price Shop No.17 of Dharmaram village in the year 1997. The petitioner has been supplying the essential commodities to the Card Holders for all these years. The contention of the learned counsel for the petitioner is that the third respondent without suspending or canceling the authorization of the petitioner for Fair Price Shop No.17, not supplying the essential commodities.

To substantiate his argument, learned counsel for the petitioner has drawn my attention to the decision in ***Oleti Tirupathamma v District Supply Officer (City),***

Visakhapatnam^[1], wherein it was held that the licensing authority refusing to supply essential articles to dealer without suspending his licence is illegal.

The facts of the case on hand are almost identical to the facts of the case cited supra. It is the grievance of the petitioner that the licensing authority is not supplying the essential commodities to him without suspending or canceling his license.

Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, the third respondent is hereby directed to supply the essential commodities to the petitioner's Fair Price Shop No.17 of Dharmaram Village, Jannaram Mandal, Adilabad District.

With the above direction, the writ petition is disposed of. The disposal of this writ petition does not preclude the respondents to take any action against the petitioner as per law. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

28.07.2016
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^[1] 2002(1) ALD 577(FB)