

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9885 of 2016

ORDER:

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This writ petition is filed questioning the action of the respondents in issuing the notification dated 07.03.2016.

It is the case of the petitioner that he being the son of erstwhile dealer who passed away is entitled to appoint as permanent dealer in his place by virtue of the guidelines in G.O.Ms.No.4 dated 28.02.2014. It is stated that the petitioner was not aware of the G.O.Ms.No.4 and he came to aware of the said G.O only recently and immediately he submitted an application on 14.03.2016 to the 4th respondent.

Learned Government Pleader for Civil supplies while opposing the writ petition submitted that the petitioner approached this Court belatedly that too after issuance of the notification dated 07.03.2016.

Having considered the submissions made by both the counsel merely because the petitioner had approached this Court belatedly, the benefit of G.O.Ms.No.4 dated 28.02.2014, cannot be denied, if he is otherwise eligible.

As a matter of fact, the 4th respondent before issuance of the notification dated 07.03.2016 ought to have examined the case of the petitioner as admittedly the petitioner was already functioning as a temporary dealer and discharging the duties of the Fair Price Shop dealer on adhoc and temporarily basis in the place of his deceased father.

In the circumstances, the writ petition is allowed directing the 4th respondent-Tahsildar to consider the case of the petitioner subject to his eligibility and pass appropriate orders. Till such time the eligibility of the petitioner is decided, all further proceedings pursuant to the notification dated 07.03.2016 shall be kept in abeyance. However, in the event the petitioner is found not eligible, the respondents-

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence.

DATED:28.03.2016
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Date:28.03.2016

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