

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

**WRIT PETITION No. 17516 OF 2016**

**ORDER :**

This Writ Petition has been filed seeking a *mandamus* for declaring the action of the 3<sup>rd</sup> respondent – Tahsildar, Kavali Mandal, SPSR Nellore District in threatening the petitioner to close the Fair Price Shop No. 0905069, Otture Village, Thummalapenta Hamlet, Kavali Mandal, as arbitrary and illegal and for a consequential direction to the 3<sup>rd</sup> respondent not to interfere with the activities of the petitioner to supply the essential commodities to the card-holders.

The case of the petitioner is that he was appointed as a fair price shop dealer for the shop detailed above and was granted authorization on 18.10.2008, validity of which has been extended from time to time till 31.03.2018.

While so, on 31.05.2016, the 3<sup>rd</sup> respondent summoned the petitioner to his Office and advised him not to open the shop for distribution of commodities from June 2016 onwards, as he was under political obligation to allot the said fair price shop to third parties. Whenever the petitioner tried to open the shop for supply of commodities to the card-holders, the 3<sup>rd</sup> respondent pressurized him not to do so.

Learned counsel for the petitioner submits that in the absence of any proceedings initiated under the provisions of the law holding the field and in the absence any *mala fides* attributed to the petitioner, the 3<sup>rd</sup> respondent is not at all justified in directing him to close down the fair price shop, particularly when the authorization granted in his favour is subsisting.

In view of the submissions made by the learned counsel for the petitioner, without going into the further details of the matter, I am of the opinion that as long as the authorization granted in favour of the

petitioner is neither suspended nor cancelled, he is entitled to distribute the commodities to the card-holders, in terms thereof. The respondents are therefore, directed not to interfere with the activities of the petitioner so long as they are carried in accordance with law.

With this, the Writ Petition stands disposed of after hearing the learned Government Pleader for Civil Supplies (Andhra Pradesh). No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

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**CHALLA KODANDA RAM, J**

06<sup>th</sup> June 2016

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