

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.27819 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 respondents in not continuing the petitioner as Fair Price Shop Dealer as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (Andhra Pradesh).

3. A perusal of the record reveals that the petitioner was appointed as Fair Price Shop Dealer in respect of shop No.39, Pothukatla village, Parchur Mandal, Prakasam District in the year 2010. It is the case of the petitioner that he has been distributing essential commodities to the card-holders without any complaint whatsoever. It is the further case of the petitioner that the fourth respondent forced him to submit his resignation. The petitioner having no other alternative submitted his resignation on 30.12.2014. Whether the petitioner has submitted his resignation at the instance of the fourth respondent or not is purely a disputed question of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

4. At the time of arguments, learned counsel for the petitioner submitted that the petitioner submitted a representation dated 16.05.2016 to the third respondent to reconsider his case and continue him as Fair Price Shop Dealer in respect of Shop No.39, Pothukatla Village, Parchur Mandal of Prakasam District. The only relief sought by the learned counsel for the petitioner is to direct the third respondent to dispose of the representation of the petitioner dated 16.05.2016 in the light of the provisions of the Essential Commodities Act and Control Order. The learned Assistant Government Pleader also consented for the same.

5. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

6. Having regard to the facts and circumstances of the case and also in view of the submissions made by both the counsel, the third respondent is hereby directed to dispose of the representation of the petitioner on 16.05.2016, after affording an opportunity to the petitioner to put forth his stand, in accordance with law as expeditiously as possible, preferably within a period of two months from the date of receipt of copy of this order.

7. Accordingly, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 19, 2016.

Note:

Issue C.C. within one week.

B/o.Rns