

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.15286 of 2016

ORDER:

1 This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the inaction on the part of the 4th respondent in releasing essential commodities to the petitioner as illegal and arbitrary.

2 Heard the learned counsel for the petitioner and the learned Government Pleader for respondent Nos.1 to 4.

3 The case of the petitioner is that he was appointed as fair price shop dealer in respect of shop No.28 of Singanamala village and Mandal of Anantapur District 40 years back. It is the further case of the petitioner that he has been distributing the essential commodities to the satisfaction of one and all, more particularly, the cardholders.

4 A perusal of the record reveals that the petitioner submitted a leave application to the 4th respondent with a request to grant leave from 01.09.2014 to 30.11.2014. The main contention of the petitioner is that he did not submit his resignation at any point of time. Whether the petitioner has submitted his resignation voluntarily or not is purely a disputed question of fact, which cannot be gone into while exercising jurisdiction under Article 226 of the Constitution of India.

5 A perusal of the record further reveals that the petitioner submitted a representation / objections to the third respondent in the year 2015. For one reason or the other, the third respondent did not dispose of the said representation / objections.

6 The only relief sought by the learned counsel for the petitioner is that the third respondent may be directed to dispose of the representation / objections submitted by the petitioner as expeditiously as possible. The learned Assistant Government Pleader also consented for the same.

7 Having regard to the facts and circumstances of the case and the

submissions made by both counsel, the third respondent is hereby directed to consider and dispose of the representation / objections submitted by the petitioner as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner to put forth his stand.

8 With the above direction, 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

Date: 30th August, 2016

Kvsn