

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12106 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, challenging the alleged inaction on the part of the 3rd respondent-Revenue Divisional Officer in passing the orders on the representations, dated 13.05.2014 and 22.02.2017, wherein the petitioner requested for restoration of Fair Price Shop authorization basing on the report of the Tahsildar-4th respondent submitted in the year 2014 in respect of Shop No.5 of Avulamanda Village, Kurichedu Mandal, Prakasam District.

2. Heard Sri I.Koti Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

3. According to the petitioner, he was appointed as a Fair Price shop dealer on permanent basis in the year 1991 for the above mentioned shop. The Revenue Divisional Officer, Kandukuru-3rd respondent herein, passed an order vide proceedings Rc.F.268/2012, dated 27.08.2012, cancelling the Fair Price authorization of the petitioner herein. As against the said order of cancellation, petitioner herein filed an Appeal before the Joint Collector-2nd respondent herein. The 2nd respondent, by way of an order bearing Rc.CS2/143/2012, dated 31.10.2012, remanded the matter back to the Revenue Divisional Officer, Kandukuru, for fresh disposal, after giving opportunity of being heard to the petitioner herein. Thereafter, the Tahsildar also submitted a report to the Revenue Divisional Officer in the month of January, 2014.

In the above background, the grievance of the petitioner in the present writ petition is the alleged inaction on the part of the Revenue Divisional Officer-3rd respondent in taking further action in the matter.

4. According to the learned counsel for the petitioner, the impugned action on the part of the 3rd respondent is highly arbitrary and unreasonable. It is also submitted by learned counsel for the petitioner that the Joint Collector, while remanding the matter to the Revenue Divisional Officer, categorically observed that without examining/discussing the issues, the Revenue Divisional Officer, passed the order of cancellation. It is also the submission of learned counsel for the petitioner that as long back as in the month of January, 2014, the Tahsildar submitted a report giving a categorical finding in favour of the petitioner herein. This Court, in the facts and circumstances of the case, does not find any justification on the part of the Revenue Divisional Officer in keeping the matter pending despite the above situation.

5. Having heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies, this Court is of the considered opinion that the ends of justice would be served, if the Revenue Divisional Officer-3rd respondent is directed to pass appropriate final orders in the matter, by duly taking into consideration the entire material including the report of the Tahsildar, submitted in the month of January, 2014, within a period of two (02) months from the date of receipt of a copy of this order.

6. With the above observation, the Writ Petition is disposed of. In the event of failure on the part of the Revenue Divisional Officer

to complete the process within the time stipulated above, the petitioner is permitted to lift the stock.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

APRIL 20, 2017

Note:
Issue C.C. on 24.04.2017.
(B/o)
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Date: 20.04.2017

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