

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

WRIT PETITION No.5130 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“Issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned order passed by the 2nd respondent dt. 8-11-2016 bearing Procs. Rc. CS.3/329/2016 granting stay of the operation of the orders passed by the 3rd respondent dt. 28-10-2016 bearing Rc.No. 2636/CS/2015 appointing the petitioner as Fair price shop No.25 of Vanikamdinne village, Sirivel Mandal, Kurnool District basing on the petition filed by the 4th respondent, without any notice and without following the due process of Law, as being illegal, arbitrary, unilateral and unjust and consequently set aside the same by directing the 2nd respondent to dispose of the petitioner's representation dt. 25-11-2016.”

2. According to the petitioner, the Revenue Divisional Officer, Nandyal – 3rd respondent herein issued an order dated 28.10.2016, vide Rc.No.2636/CS/2015, appointing the petitioner provisionally as F.P. Shop dealer in Nandyala Division. The 4th respondent herein filed a petition before the Joint Collector, Kurnool, against the said selections. The Joint Collector, Kurnool, vide Rc.CS.3/329/2016, dated

08.11.2016, passed an order granting stay on the appointment of the petitioner herein.

3. According to the learned counsel for the petitioner, after coming to know of the same, petitioner herein submitted a representation on 25.11.2016. The grievance of the petitioner herein in the present writ petition, as advocated by the learned counsel for the petitioner, is that no action has been taken so far on the said aspect and no final orders have been passed by the Joint Collector, though the petitioner herein submitted his representation, asking the Joint Collector, to vacate the stay order. It is requested by the learned counsel for the petitioner to direct the Joint Collector to pass appropriate orders in the matter by fixing some timeframe.

4. The said request is not opposed by the learned Government Pleader. On the otherhand, it is submitted by the learned Government Pleader that the same will be disposed of in accordance with law.

5. For the aforesaid reasons, this writ petition is disposed of, directing the Joint Collector to pass appropriate final orders, pursuant to the proceedings Rc.CS.3/329/2016, dated 08.11.2016, by taking into consideration the explanation dated 25.11.2016 and after giving notice and opportunity of hearing to all the stakeholders including the

petitioner herein, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

22.02.2017
SS

