

The Hon'ble Sri Justice A.Rajasheker Reddy

Writ Petition No.39777 of 2017

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent Nos.3 and 4 in allotting Fair Price Shop No.32611 at Ganginayanapalli, Bireddupalli Mandal, Chittoor District, to respondent No.5 contrary to the conditions prescribed in Notification, dated 23-05-2017, as illegal and arbitrary. The petitioners sought for a consequential direction to respondent Nos.3 and 4 to consider their representations, dated 04.09.2017 and 01.11.2017, and to conduct proper enquiry as per the said Notification.

The case of the petitioners is that petitioner No.1 was the authorised dealer of the aforesaid Fair Price Shop under valid authorisation renewed from time to time till 31.03.1996. Subsequently, he could not continue due to the ill health of his wife. While so, in response to the Notification issued by the respondents, on 23.05.2017, for appointment of a permanent dealer to the fair price shop in question, petitioner No.2 had applied and participated in the selection process, but, contrary to the conditions prescribed in the said

Notification, respondent No.5, whose wife was working as a Police Constable, was selected and appointed as such. The petitioners made representations on 04.09.2017 and 01.11.2017 to respondent Nos.3 and 4. As no action has yet been taken thereon, the present Writ Petition is filed.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Civil Supplies (AP) appearing for respondent Nos.1 to 4.

Learned Government Pleader for Civil Supplies (AP) submitted that the authorisation of petitioner No.1 in respect of the fair price shop in question has lapsed in the year 1996; that as against the appointment of respondent No.5, petitioner No.2 has the remedy of Appeal; and that therefore, no relief can be granted to him in this Writ Petition.

As seen from the record, the authorisation of the petitioner was not renewed after 31-03-1996. If petitioner No.2 is aggrieved by the appointment of respondent No.5 as the permanent dealer of the fair price shop in question, he has the remedy of Appeal before the appellate authority.

Accordingly, the Writ Petition is disposed of granting liberty to the petitioners to avail the alternative remedy of Appeal.

As a sequel, Miscellaneous Petitions, pending if any,
stand disposed of as infructuous.

(A.Rajasheker Reddy, J)

Dt: 11th December, 2017
lur

