

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3902 of 2018

ORDER:

This writ petition is filed for the following relief:

“....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declare the issuance of notification of respondent No.2 in calling applications for the petitioners fair price shops 29 and 14 in the Notification No.Rc.A 7/18/2018, dated 01.02.2018, is illegal, arbitrary, without any power or authority under law....”

In the writ affidavit, the petitioners assert that earlier, they filed W.P.Nos.42227 and 42306 of 2017 challenging the proceedings, dated 29.11.2017 and 23.11.2017, issued by the Revenue Divisional Officer directing them to pay the penalty amount within the stipulated time, and this Court after considering the submission of the learned counsel for the petitioners that if four weeks time is granted to the petitioners, they would pay the penalty, disposed of the writ petitions *vide* order, dated 18.12.2017, by granting four weeks time to the petitioners for payment of penalty amount, in default, it was left open to the competent authority to take appropriate action in accordance with law, and directing the respondents not to take coercive steps till such payment. They further assert that as against the orders, dated 29.11.2017 and 23.11.2017, they have availed the remedy of appeal before the appellate authority and the appeals are pending.

Learned counsel for the petitioners contends that on account of pendency of appeals before the Joint Collector,

issuance of impugned notification for filling up the vacancies including the fair price shops in question is illegal.

Heard the learned Government Pleader for Civil Supplies appearing for the respondents.

It is to be noted that though the petitioners had challenged the orders, dated 29.11.2017 and 23.11.2017 before this Court by filing the aforesaid Writ Petitions, wherein, this Court granted them time to comply with the condition, they did not choose to do so. Hence, there is no justification in stalling the notification issued merely because the petitioners had filed appeals before the Joint Collector. It is to be noted further that in the aforesaid two orders, it is clearly mentioned that if the petitioners did not pay the penalty amount within the stipulated time, their authorizations automatically would stand cancelled. In view of the same, the contention of the learned counsel for the petitioners that on account of pendency of appeals before the Joint Collector, the impugned notification for filling up the vacancies including the fair price shops in question ought not to have been issued, does not merit consideration.

Hence, the writ petition is dismissed.

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

CHALLA KODANDA RAM, J

Dt:08.02.2018
kdl