

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.6039 OF 2018

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not supplying the scheduled commodities/stocks to the petitioner's Fair Price Shop No.3 of Pamulapadu village, Tadikonda Mandal, Guntur district for further distribution though the authorization granted in his favour is neither suspended nor cancelled, as arbitrary and illegal.

2. It is the case of the petitioner that on 12.1.2018, the Deputy Tahsildar Tadikonda and the Village Revenue Officer, Pamulapadi have visited his Fair Price Shop of the petitioner and reported certain irregularities with respect to the stocks of PDS rice and sugar. Thereafter, the said stocks were seized and they were directed to be distributed through Shop Nos.1 and 2 of Pamulapadu village, Tadikonda Mandal. However, no show cause notice was issued to the petitioner till date and the authorization granted in his favour is neither suspended nor cancelled and is still subsisting. In those circumstances, the petitioner prays for Writ of Mandamus as stated supra.

3. Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies (AP).

4. The fact as asserted by the petitioner that his license is neither suspended nor cancelled, is not denied by the Tahsildar who had given written instructions to the learned Government Pleader. It is well-settled law that as long as the authorization granted in favour of a dealer is subsisting, the dealer has inherent right to carry on the trade. In the admitted facts of the present case and in the absence of there being any suspension or cancellation of the authorization granted in favour of the petitioner, he is entitled to distribute the scheduled commodities.

Accordingly, Writ Petition is allowed with a direction to the 3rd respondent to permit the petitioner to distribute the scheduled commodities as long as the authorization granted in his favour is subsisting. However, it is made clear that allowing of the petitioner to continue as Fair Price Shop Dealer by this Court shall not be construed as putting a fetter on the respondent authorities to take action in accordance with law with respect to any irregularities.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 23.2.2018
KPM