

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8240 of 2018

ORDER:

This writ petition is filed seeking to declare the action of respondent No.3 in proceeding to appoint a new permanent dealer in respect of Fair Price Shop No.1, situated at Aspari Village and Mandal, Kurnool District, as illegal and arbitrary.

The facts as stated in the writ affidavit are that the petitioner was appointed as a fair price shop dealer in 1994 for a period of one year and thereafter, his authorisation was extended till 31.03.2002; that one Thimmanna, who is the follower of a Minister, has been appointed as a temporary dealer in his place; that there was a life threat, if he protests about the appointment of the said Thimmanna, as such, he kept quiet for all these years, and that without cancelling the authorisation granted in his favour and without passing any order, the respondent authorities are proceeding to appoint a dealer on permanent basis.

Heard learned counsel for the petitioner.

Learned Government Pleader for Civil Supplies placed on record the written instructions, wherein it is categorically asserted that the petitioner has failed to seek renewal of the authorisation by making an application in terms of the Andhra Pradesh State Public Distribution System (Control) Order, 2008 and the validity of the authorisation granted in favour of the petitioner was till

31.03.2005, as such, the petitioner has no right to prevent the appointment of a dealer on permanent basis.

Even according to the petitioner, his authorisation was valid up to 31.03.2002 and was renewed up to 31.03.2005. It is admitted that the petitioner had not submitted any application seeking renewal of the authorisation granted in his favour. In other words, the authorisation granted in favour of the petitioner has expired by efflux of time. For some reason or the other, the respondent authorities have not appointed a dealer on permanent basis till date. Inasmuch as the petitioner himself had not chosen to seek renewal of the authorisation granted in his favour, there is no vested right in him any longer. At the instance of the petitioner, the authorities cannot be prevented from making arrangements for appointment of a dealer on permanent basis.

In those circumstances, there are no merits in the writ petition, which is accordingly 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:16.03.2018
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