

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9289 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue writ or direction preferably Writ of Mandamus declaring the order issued by the respondent no.2 vide proc. Rc.no.272/2017 CSR7 dt.4-1-2018 and consequential notification issued by the respondent no.3 vide Rc.no.123/2018/F dt.3-3-2018 proposing for bifurcation of fair price shops of the petitioners i.e. shop no.0338002 of petitioner no.1; shop no.0338005 of petitioner no.2; shop no.0338039 of petitioner no.3 and shop no.0338040 of petitioner no.4; shop no.0338041 of petitioner no.5; shop no.0338042 of petitioner no.6 and 0338018 of petitioner no.7 as illegal, arbitrary and violation of principles of natural justice and violative of principles of natural justice and consequently set aside the said orders to the extent of petitioners’ fair price shops are concerned.”

2. Heard learned counsel for the petitioners and the learned Government Pleader for Civil Supplies (A.P.) appearing for the respondents.

3. Petitioners herein are the fair price shop dealers of Payakaraopeta Village and Mandal, Visakhapatnam District. In the present writ petition, they are challenging the bifurcation of the fair price shops.

4. There are two contentions raised by the learned counsel for the petitioners viz., 1) there is no approval from the Commissioner i.e., Food Advisory Committee and 2) the respondent authorities failed to serve the bifurcation orders.

5. When the matter is taken up, learned Government Pleader has placed on record the resolution of the Vigilance Committee meeting held on 31.10.2017, resolving to bifurcate the subject shops. Learned Government Pleader has also placed on record an order, dated 11.03.2010, passed by this Court in W.P.Nos.1715 and 27032 of 2009 wherein this Court, following the judgment of the Hon'ble Apex Court, declined to accept the second contention mentioned supra.

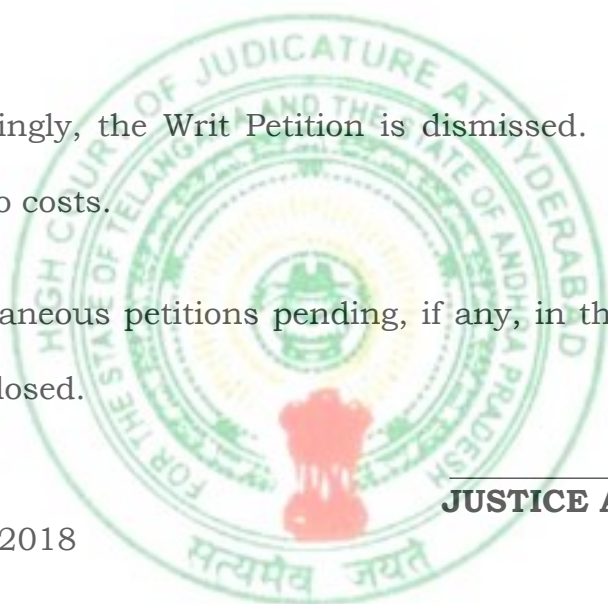
6. In view of the same, this Court does not find any merit in the writ petition.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

8. Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

Date : 28.03.2018
AMD

JUSTICE A.V.SESHA SAI



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