

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.675 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal is preferred, under Clause 15 of the Letters Patent, against the order passed by the learned Single Judge in W.P. No. 9689 of 2018 dated 23.3.2018. The appellant herein filed the Writ Petition seeking a mandamus to declare the action of the Revenue Divisional Officer in issuing the notification dated 12.3.2018, inviting applications for running up various fair price shops including the fair price shop at Dodleru Village, Krosuru Mandal, Guntur District during the pendency of W.P. No. 3594 of 2017, as illegal, arbitrary and unjust. A consequential direction is sought to set aside the notification dated 12.3.2018 in so far as the fair price shop at Dodleru Village is concerned.

While admitting the Writ Petition, the learned Single Judge has, in the order under appeal, observed that the entire process, pursuant to the impugned notification including appointment of the successful candidate may go on, but the same shall be subject to the outcome of the Writ Petition. Aggrieved thereby, the present appeal.

Sri M. Raja Vara Prasad, learned counsel for the appellant, would submit that, as cancellation of the fair price shop dealership of the appellant-writ petitioner is subjected to challenge in W.P. No. 3594 of 2017, the appointment of a fair price shop dealer, in the meanwhile, would only result in needless friction if W.P. No.3594 of 2017 were to be allowed later; and, instead, the notification issued, inviting applications for appointment as a fair price shop dealer, may be stayed; and W.P. No. 3594 of 2017 be directed to be heard early.

We must express our inability to agree. The appellant-writ petitioner was, hitherto, running the fair price shop at Dodleru Village, Krosuru Mandal, Guntur District. On certain irregularities being noticed, his fair price shop dealership was cancelled. Aggrieved thereby, the appellant-writ petitioner preferred an appeal to the Joint Collector who dismissed the appeal. The appellant-writ petitioner, thereafter, preferred a revision to the Government along with an application to condone the delay in preferring the revision. The condone delay petition was rejected. Aggrieved thereby, the appellant-writ petitioner filed W.P. No. 3594 of 2017.

Though the said Writ Petition was admitted, it is not in dispute that no interim order was passed therein. Consequently, the appellant is not running the fair price shop at Dodleru Village. His right to continue as a fair price shop dealer at Dodleru Village is only if W.P. No. 3594 of 2017 is allowed later, and the orders impugned therein are all set aside.

The object of establishing a fair price shop is to ensure supply of essential commodities to the needy. The fair price shop cannot be kept closed during the pendency of W.P. No. 3594 of 2017. We find no error in the action of the respondents in inviting applications for appointment of fair price shop dealers, including for the fair price shop at Dodleru Village. Since the appellant-writ petitioner's entitlement, to run the fair price shop, would depend upon the outcome of W.P. No. 3594 of 2017, suffice it while dismissing this appeal, to direct the Revenue Divisional Officer to incorporate a specific condition in the appointment order, issued to the selected fair price shop dealer for running the fair price shop at Dodleru Village, that his appointment as a fair price shop dealer shall be

subject to the result of both W.P. Nos. 3594 of 2017 and W.P. No. 9689 of 2018.

Subject to the aforesaid observations, the Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

26th April, 2018
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**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
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Date:26.04.2018

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