

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition Nos.665 and 742 of 2012

COMMON ORDER:

The relief sought for, in both these Writ Petitions, is for a mandamus to declare the action of the Revenue Division Officer-4th respondent in issuing the notification dated 28.12.2011, inviting applications for filling up the alleged vacancy of fair price shop dealers in the subject villages, as illegal, arbitrary and violative of principles of natural justice.

By way of interim relief, the petitioners sought stay of all further proceedings pursuant to the notice dated 28.12.2011. The case of the petitioners, in short, is that they were appointed on a regular basis in the year 2002; and, therefore, fresh applications could not have been invited treating the earlier notification as having been issued to make appointment on a temporary basis. Reliance is placed by the petitioners on certain judgments of this Court.

The notification, impugned in these Writ Petitions, is dated 28.12.2011; and, in the light of the interim orders passed by this Court on 06.01.2012 and 12.01.2012, no further steps would have been taken pursuant to the said notification. As more than six years have elapsed since the notification was issued, as the said notification was stayed by this Court, and the order of stay has been in operation for the past six years, the respondents cannot, at this stage, act in terms of the said notification. It is wholly unnecessary for this Court, therefore, to examine the petitioners contention that the respondents were not entitled to invite applications afresh in the first place. As the notification cannot

now be enforced since more than six years have elapsed, the notification, under challenge in the Writ Petition, is set aside. Suffice it make it clear that the order now passed by this Court shall not disable the respondents from taking further action in accordance with law, in case these fair price shops are required to be filled up afresh. It is also open to the petitioners, in case any such notification is issued, to question the same in appropriate legal proceeding raising all such contentions as are available to them in law.

Both the Writ Petitions are, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand closed. No order as to costs.

Date: 27-04-2018.
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RAMESH RANGANATHAN, ACJ.

