

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition Nos.749, 936, 954 and 959 of 2012

COMMON ORDER:

The relief sought for in these Writ Petitions is for a mandamus to declare the action of the Revenue Division Officer-4th respondent, in issuing 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.

The petitioners herein are all members of DWACRA Groups. They were allotted fair price shops. It is their case that, since they are entitled for a minimum number of 350 cards, the impugned notification, seeking to bifurcate the shops, would result in the number of cards, available with their shops, falling below 350. By way of interim relief, they sought a direction to the 4th respondent not to appoint fair price shop dealers pursuant to the notification. The impugned notification was stayed by the interim order dated 12.01.2012; and, consequently, no fair price shop dealer was appointed to the subject villages. The petitioners are, evidently, carrying on business as fair price shop dealers, ever since, for the past more than six years. No useful purpose would be served in permitting the respondents to now take action pursuant to the said notification issued more than six years ago.

The impugned notification is, accordingly, set aside. It is made clear that this order shall not disable the respondents from taking action afresh, and in accordance with law. In case any notification is issued afresh, it is always open to the petitioners

herein to question the same in appropriate legal proceeding raising all such contentions therein as are available to them in law.

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

RAMESH RANGANATHAN, ACJ.

Date:27-04-2018.
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