

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17980 of 2011

ORDER:

The relief sought for in this Writ Petition is to declare the action of the 4th and 5th respondents, in not restoring the authorisation of the petitioner and in not permitting her to run the fair price shop to distribute commodities, as arbitrary and illegal.

It is the petitioner's case that her authorisation was suspended pending enquiry vide proceedings dated 26.10.2006; she filed an appeal to the Collector, along with an application seeking stay; as the Collector had rejected the stay application, she had filed a petition before this Court; thereafter the Collector had disposed of the main appeal holding that the irregularities, noticed by the Mandal Revenue Officer, were minor in nature; even for this charge of collecting Rs.10/- per litre of kerosene, as against the fixed price of Rs.9.50 per litre, no recorded evidence was produced by the Mandal Revenue Officer; the action of the Revenue Divisional Officer, in suspending the authorisation, was considered heavy and harsh; and for her lapses the security deposit furnished by her was forfeited, and she was warned to be careful in future. The petitioner's appeal was allowed, and suspension of the authorisation was set aside, by order dated 23.05.2007.

The petitioner claims to have been hospitalised in January, 2007, and to have requested the Mandal Revenue Officer to make alternative arrangements for one or two months till her health improved; after three months she became fit, and requested the Mandal Revenue Officer, vide letter dated 18.05.2009, to restore her dealership; and despite her request, her authorisation was not restored.

On the petitioner invoking the jurisdiction of this Court, an order was passed in WPMP No.21641 of 2011 granting interim direction as prayed for which was to direct the 4th and 5th respondents to restore and continue the petitioner as a fair price shop dealer.

Smt. D. Pramada, Learned Counsel for the petitioner, submits that, pursuant to the interim order, the petitioner's authorisation has been restored, and she is running the fair price shop ever since. No counter-affidavit has been filed by the respondent. As the petitioner's authorisation was restored more than five years ago, suffice it if the interim order passed on 11.07.2007 is made the final order in the Writ Petition, leaving it open to the authorities, if need be, to take action in accordance with law, after putting the petitioner on notice and after giving her an opportunity of being heard.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 23.03.2018

MRKR