

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.6379 of 2012

ORDER:

In this Writ Petition, the petitioner seeks a mandamus to declare the action of the Revenue Divisional Officer, Ongole (respondent No.3), in canceling his authorization by proceedings dated 16.07.2011 which was confirmed by the Joint Collector and District Collector, Ongole, by proceedings dated 05.09.2011 and 18.02.2012 respectively, as illegal and arbitrary.

The charge leveled against the petitioner is that she was allotted fair price shop No.43 of Chirala town; she was not residing in the village, and was residing at Hyderabad with her husband who was working in defence; she was now residing at Kanpur, as her husband was transferred to Kanpur; and the fair price shop was being run through others.

The District Collector noted that the petitioner, in support of her claim to be residing in Chirala, had produced a voters list and a ration card; however, the ration card was issued in the year 2005 and the voters list pertained to the year 2008; in the enquiry conducted, the name of the petitioner did not find place in the 2010 voters list which clearly showed that she was not residing in Chirala; the appellate authority had examined the contents of the appeal

petition, and had passed a speaking order; and there was no reason to entertain the revision filed by the petitioner.

All the authorities have concurrently held that the petitioner was not residing in Chirala where she was permitted to run a fair price shop, but was residing at Kanpur. In the exercise of the extra-ordinary jurisdiction under Article 226 of the Constitution of India, this Court would not act like an appellate authority or substituted its views for that of the officials concerned. It is only if there is an error of law apparent on the face of the record, or the findings recorded by the officials concerned, are based on no evidence, or are perverse, would this Court interfere. The order under challenge does not suffer from any such infirmity. The authorities have taken note of the fact that the petitioner's name, which was hitherto reflected in the 2008 voters list, did not find mention in the 2010 voters list; and this showed that the petitioner was not residing in Chirala Town. I see no reason to take a different view, that too, in judicial review proceedings under Article 226 of the Constitution of India.

The Writ Petition fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN, ACJ

Date: 22.06.2018
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