

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 42927 of 2018

Date : 28.11.2018

Between:

S YADAMMA Wife of S Anjaiah Aged about 42 years Resident
of 3-79/20 Vallabharaopalli Village Midjil Mandal
Mahabubnagar District

Petitioner

And

The State of Telangana
Represented by its Principal Secretary Civil Supplies
Department Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard the learned counsel for petitioner and learned Government Pleader for Civil Supplies (TG).

2. Petitioner was granted fair price shop dealership authorization of shop No. 11, Vallabraopally village, Midjil mandal, Mahabubnagar district in the year 1997. In the elections for the local bodies held in the year 2013, petitioner was elected as Sarpanch of the Gram Panchayat. Having realized that petitioner has become Sarpanch of the Gram Panchayat, fair price shop dealership authorization was kept in abeyance from 31.3.2015. After completion of the tenure of Sarpanch post, petitioner applied for continuation of authorization and permission to run the fair price shop. Alleging inaction on the representation made, petitioner earlier filed W P No. 33671 of 2018 and this Court by order dated 20.9.2018 directed consideration of the representation of petitioner. By order dated 6.10.2018 request of the petitioner was rejected on the ground that person should apply within one month of expiry of renewal, whereas, application was made after 3 ½ years after expiry of one month.

3. Authorisation of fair price shop dealership is governed by the “Guidelines For Selection and Appointment Etc Of Fair Price Shop Dealers Under A.P. State Public Distribution System (Control) Order 2008” and reviewed and revised thereafter. The general condition of granting authorization is that individual should not hold any public office like Sarpanch of Gram Panchayat or hold any office of profit.

4. Admittedly, petitioner was elected as Sarpanch in the year 2013 and on his election, earned disqualification, therefore, it cannot be said that cancellation of authorization after his election to public office is illegal, therefore the question of renewal or continuation of authorization after the period of election is over, would not arise. Further more, even the reason assigned in rejection order is valid as no application was made within time and application was made after lapse of 3 ½ years after renewal period.

5. Accordingly, the writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

DATE: 28-11-2018
TVK

P NAVEEN RAO,J



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