

HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 37365 OF 2021

Between:

Butti Raju, S/o.Laxman, aged about 38 years, Occ. Un-employee, R/o.H.No.3-79,
Balkonda Village and Mandal, Nizamabad District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Consumer Affairs, Food and Civil Supplies, Secretariat building, Hyderabad T.S
2. The Joint Collector (C.S), Nizamabad District.
3. The Revenue Divisional Officer, Armoor, Nizamabad District.
4. The Tahsildar, Balkonda Mandal, Nizamabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ or writs order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent no.3 cancelled the Authorization of Fair Price Shop No.1805004 of Balkonda Village and Mandal, Nizamabad District vide Proceedings No.B3/32/2020 on 04/10/2021 without giving any opportunity to submit an is illegal, arbitrary and violative of principles of natural justice and consequently set-a-side the Proceedings No. B3/32/2020, dt. 04/10/2021 passed by the 3rd respondent, in the interest of justice and equity.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to pass orders on the Appeal dt.17/11/2021 filed by the petitioner to retain the F.P. Shop No.1805004 of Balkonda village and Mandal, Nizamabad District, forthwith, pending disposal of the above writ petition.

Counsel for the Petitioner : SRI. MOGILI ANAVENI

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No. 37365 OF 2021

ORDER:

This Writ Petition is filed to declare the action of the respondent No.3 in cancelling the authorization of Fair Price Shop No.1805004 of Balkonda village and Mandal, Nizamabad District, vide proceedings dated 04.10.2021, without giving any opportunity to the petitioner, as being illegal, arbitrary and violative of principles of natural justice.

2. Heard learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies and with their consent, the Writ Petition is taken up for hearing and disposal at the stage of admission.

3. Admittedly, being aggrieved by the order of the 3rd respondent dated 04.10.2021, the petitioner has filed an appeal as provided under the Telangana State Public Distribution System (Control) Order, 2018 before the 2nd respondent on 17.11.2021 and the same is pending consideration. Having chosen to avail the remedy of appeal, he cannot be permitted to invoke the jurisdiction of this Court under Article 226 of the Constitution of India and to travel on two boats.

4. In view of the above, since the petitioner has already availed the alternative remedy by filing appeal, this Court is of the view that the 2nd respondent can be directed to consider and dispose of the appeal in accordance with law within a period of two months from the date of receipt of a copy of this order.

5. Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Consumer Affairs, Food and Civil Supplies State of Telangana, Secretariat building, Hyderabad T.S
2. The Joint Collector (C.S), Nizamabad District.
3. The Revenue Divisional Officer, Armoor, Nizamabad District.
4. The Tahsildar, Balkonda Mandal, Nizamabad District.
5. One CC to SRI. MOGILI ANAVENI , Advocate [OPUC]
6. Two CCs to GP FOR CIVIL SUPPLIES, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies
8. One Spare copy

ABBASI

NPJ

GP

HIGH COURT

DATED : 31/12/2021

ORDER

WP.No.37365 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) Copies

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28/1/22