

D. Jayamma Vs. State of Karnataka and Others

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Court : Karnataka

Decided On : Nov-17-1999

Reported in : 2000(3)KarLJ642

Judge : V. Gopala Gowda, J.

Acts : Karnataka Public Distribution Control Order, 1992 - Clause 4(2)

Appeal No. : Writ Petition No. 34406 of 1998

Appellant : D. Jayamma

Respondent : State of Karnataka and Others

Advocate for Def. : Sri S.N. Aswathanarayana, Additional Govt. Adv. and ; Sri L. Narayana Swamy, Adv.

Advocate for Pet/Ap. : Sri B.T. Parthasarathi, Adv.

Judgement :

ORDER

1. The 5th respondent was granted authorisation to run a fair price depot by the order at Annexure-A, dated 31-7-1998. Aggrieved by the same, the appeal filed by the petitioner had been rejected under Annexure-B, dated 18-8-1998. The petitioner is seeking to quash both the orders in this writ petition. The main contention is that without considering the application of the petitioner the

impugned orders are passed.

2. In the counter filed on behalf of respondents 1 to 4 inter alia it is stated that the petitioner did not apply in the prescribed form within the prescribed time. Since the application filed by the petitioner was not in accordance with Clause 4(2) of the Public Distribution System Control Order, 1992, the same was not considered.

3. Mr. B.T. Parthasarathi, learned Counsel for the petitioner submits that the petitioner having learnt that her first application was not in order, she filed another application on 13-7-1998, thereby the defect in the first application had been cured. This contention does not merit consideration. As per the notification inviting the applications for opening fair price shop, the applications in the prescribed form ought to have been filed within 30 days. Admittedly the first application filed by the petitioner was not in the prescribed form. Having learnt the same, the petitioner submitted the second application on 13-7-1998 which was beyond the prescribed period. Therefore, both the applications of the petitioner did not warrant consideration by the authorities. Such being the position, the petitioner cannot have any grievance in giving the authorisation to the 5th respondent whose application was in order and who was also eligible in all respects.

4. The impugned order at Annexure-A is a well-considered order. All the applications have been considered and valid and cogent reasons are assigned for rejecting other applications and selecting the 5th respondent for running the fair price shop. No fault can be found with the said order. Therefore, the appeal preferred by the petitioner against the said order was rightly rejected under Annexure-B.

5. No interim order was granted in this writ petition while ordering emergent notice. Pursuant to the impugned orders, the 5th respondent might have been running the fair price depot. In view of the passage of time also, the impugned orders need not be disturbed. Petitioner is not entitled to any reliefs.

6. Writ petition is devoid of merits and the same is hereby dismissed. However, it is observed that if applications are invited in future for running fair price shops in the area and if petitioner files application, priority should be given to her

application.

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