

A. Subbarao Vs. Revenue Divisional Officer, Kovvur and Another

A. Subbarao Vs. Revenue Divisional Officer, Kovvur and Another

SooperKanoon Citation : sooperkanoon.com/436636

Court : Andhra Pradesh

Decided On : Dec-03-1999

Reported in : 2000(3)ALD643

Judge : Elipe Dharma Roa, J.

Acts : [Constitution of India](#) - Articles 39 and 41

Appeal No. : WP No. 16595 of 1999

Appellant : A. Subbarao

Respondent : Revenue Divisional Officer, Kovvur and Another

Advocate for Def. : Government Pleader for Civil Supplies

Advocate for Pet/Ap. : Mr. G.V. Shivaji, Adv.

Judgement :

ORDER

1. This writ petition was filed by the petitioner seeking a writ, order or direction, more particularly one in the nature of writ of mandamus directing the respondents to grant license/authorisation for distribution of the essential commodities in favour of the petitioner which stands in the name of his father, i.e., Shop No.13, Brahmannaagudem, Chagallu Mandal, West Godavari District and pass such further orders.

2. The case of the petitioner is that his father was granted authorisation for distribution of kerosene for Shop No.13, Brahmamnagudem, Chagallu Mandal, West Godavari District vide licence No.55/80-81 dated 4-11-1980. Thereafter, the authorisation for distribution of essential commodities was also granted in the year 1981 and since then he had been distributing the same to the card holders without any remark or complaint, and the licence was renewed from time to time upto 16-1-1998 for kerosene and the authorisation for distribution of essential commodities is valid upto 31-3-2000. It is further submitted that his father died on 9-6-1999 due to illness and the petitioner and his mother are the legal heirs of the deceased father-licensee. Therefore, he made representation on 13-6-1999 to the first respondent, Revenue Divisional Officer, Kovvur, West Godavari District to grant the authorisation in his name by compassionate grounds, so as to enable him to feed his family members. It is further stated that the petitioner used to assist his father during his life time, in running the shop, He also stated that the respondents have not considered his application. Therefore, he filed the present writ petition.

3. The learned Government Pleader for Civil Supplies submitted that in similar circumstances, a Division Bench of this Court in WA No.1402 of 1997 on 15-12-1997, while deciding the issue whether any constitutional guarantee has been violated by withdrawing the provision for preference to the heirs or legal representative of the deceased fair price shop dealer, has held that the objectives behind Articles 39(a) and 41 of the [Constitution of India](#) can still adequately be secured even after withdrawing the benefit to the heirs of the deceased dealer and it is the policy decision taken by the Government and the same cannot be assailed merely because it is at variance with the earlier policy decision. Therefore, when the Government itself has withdrawn the provision of giving preference to the legal representatives or heirs of the deceased dealer and the same was upheld by the High Court, the question of considering the case of the petitioner for appointment on compassionate grounds does not arise particularly while making appointments, the Government has to follow the Rule of reservation in dealership of fair price shops in the Revenue Unit. Thus, there is no merit in the writ petition. The writ petition accordingly fails and is dismissed. But in the circumstances of the case, without costs.

