

THE HONOURABLE MR JUSTICE A.V.SESHA SAI

WRIT PETITION No.27693 of 2008

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ORDER

The present writ petition challenges to the order of the second respondent-Revenue Divisional Officer vide D.Dis.No.E/2496/2008 dated 29.11.2008.

2. Heard Sri N. Siva Reddy, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

3. The Revenue Divisional Officer, Rajahmundry, the second respondent herein, issued a show cause notice vide reference No.E/2496/2008 dated 06.08.2008, asking the petitioner to show cause as to why the fair price shop authorization should not be cancelled. In response to the said show cause notice, the petitioner herein submitted an explanation. Then, the Revenue Divisional Officer, by virtue of an order vide proceedings D.Dis.No.E/2496/2008 dated 29.11.2008, cancelled the authorization of the petitioner herein as per the Andhra Pradesh State Public Distribution System (Control) Order, 2001. Challenging the validity of the said order, the present writ petition came to be filed.

4. At the hearing, a preliminary objection is raised by the learned Government Pleader for Revenue with regard to the maintainability of the writ petition before this Court in view of the availability of alternative remedy of appeal to the Joint Collector under the Control Order.

5. In the present writ petition, this Court issued rule nisi on

22.12.2008 and refused to grant interim order.

6. It is submitted by the learned counsel for the petitioner that subsequent to the impugned cancellation order, the authorities have made incharge arrangements. It is further submitted that the variations pointed out are only small variations and the second respondent ought not to have resorted to the impugned order of cancellation of authorization. It is also submitted by the learned counsel for the petitioner that in the mediator's report also, there is no mention with regard to the variations.

7. It is to be noted that, as per Clause 20 of Andhra Pradesh State Public Distribution System (Control) Order, 2008, the impugned order is appealable before the Collector (CS). Therefore, this Court deems it appropriate to relegate the petitioner herein to the said alternative remedy of appeal under Clause 20 of the Control Order, 2008.

8. For the aforesaid reasons, the Writ Petition is disposed of directing the petitioner to file an appeal before the appellate authority against the order passed by the Revenue Divisional Officer vide proceedings D.Dis.No.E/2496/2008 dated 29.11.2008, within a period of one month from the date of receipt of a copy of this order, and if such an appeal is filed within the time stipulated above, the appellate authority shall consider the same after giving notice and opportunity of being heard to the petitioner herein and pass appropriate orders in accordance with law, within a period of two months thereafter. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

22nd January, 2015

sj