

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.20528 of 2015

Date: 13-07-2015

Between:

B. C. Narasappa

.... Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Civil Supplies Department,
Hyderabad and 4 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.20528 of 2015

ORDER:

This writ petition is filed for a mandamus declaring the action of the 2nd respondent in not passing order in the stay petition filed along with the appeal as illegal and arbitrary and for a consequential direction to the respondents to continue the petitioner as Fair Price Shop dealer of Shop No.25, Kallukunta village, Peddakadubur Mandal, Kurnool District.

2. The case of the petitioner is that he was appointed as Fair Price Shop dealer of Shop No.25, Kallukunta village, Peddakadubur Mandal, Kurnool District through proceedings dated 07-04-2010 and he has been distributing commodities without any complaint. The 3rd respondent-Revenue Divisional Officer, Kurnool issued a show cause notice dated 07-05-2015 with certain allegations alleged to have been committed by the petitioner, pursuant to which, the petitioner

submitted his reply and thereafter, the 3rd respondent through proceedings in Rc.No.(M) 579/2015, dated 23-05-2015 cancelled his authorization/dealership. Challenging the said proceedings, the petitioner preferred an appeal along with stay application before the 2nd respondent, but the 2nd respondent neither passed any orders on the stay application nor take up the appeal. Aggrieved by the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies.

4. Learned counsel for the petitioner submits that this court in identical circumstances directed the appellate authority to dispose of the appeal pending suspension of authorization of the fair price shop.

5. On the other hand, learned Assistant Government Pleader produced a copy of the order of the Division Bench of this Court in W.A.No.1346 of 2014 dated 13-10-2014, wherein the Division Bench allowed the appeal filed against the order of the learned Single. The Division Bench has set aside the direction given by the learned single Judge granting suspension of the proceedings pending the appeal.

In view of above facts and circumstances of the case, since the appeal filed by the petitioner against the orders of the 3rd respondent is pending before the 2nd respondent, the 2nd respondent-the Joint Collector, Kurnool is directed to dispose of the said appeal within a period of four (4) weeks from the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall

stand closed.

A. RAJASHEKER REDDY, J

Date: 13-07-2015

Ksn