

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.6877 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies (AP).

2. This writ petition is filed seeking Writ of *Mandamus* declaring the proceedings dated 06.03.2015 of the 2nd respondent wherein restoring the authorisation of Shop No.1 of Cheruvupalli Village, Nallamada Mandal, in favour of 4th respondent, though the 4th respondent is suspended in the year 2005 on severe allegations of diversion of stocks to the black market and not distributing the essential commodities to the card holders, as illegal and arbitrary.

3. Learned counsel appearing for the petitioner submits that though all the charges were held proved against the 4th respondent and in spite of the fact that the charges are serious in nature, the 2nd respondent-Revenue Divisional Officer, Kadiri, ought not to have restored the authorisation in favour of the 4th respondent. The present writ petition is filed to set aside the order passed by the 2nd respondent.

4. Since there is remedy of appeal available to the petitioner against the impugned orders and the petitioner without availing the said remedy, directly approached this Court, this Court is not inclined to go into the merits of restoration of authorisation.

5. In the circumstances, the petitioner is directed to file an appeal before the Joint Collector against the impugned order dated 06.03.2015 of the 2nd respondent. Since the irregularities relate to the year 2005, the Joint Collector, Anantapuram district, is directed to dispose of the appeal within a period of eight weeks from the date of presentation of the appeal by the petitioner.

6. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 17.03.2015

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HON'BLE SRI JUSTICE R. KANTHA RAO

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