

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.32904 of 2015

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ORDER:

The petitioner was appointed as fair price shop dealer of shop No.27 of Alarudinne Village of Devanakonda Mandal in Kurnool District on permanent basis. The authorization of the petitioner was valid up to 31.03.2015 and he submitted an application for renewal of authorization up to 31.03.2017, through challan dated 20.03.2015. While so, a show cause notice was issued to the petitioner on 25.04.2015 and the petitioner submitted an explanation denying the charges levelled against her. In spite of the same, the order of cancellation was passed on 11.05.2015 by the third respondent-Revenue Divisional Officer, Adoni and against the same, the petitioner preferred an appeal before the second respondent-Joint Collector, Kurnool on 30.05.2015 along with the stay application. When no orders were passed in the stay petition, the petitioner filed Writ Petition No.15607 of 2015 before this Court and the same was disposed of on 10.06.2015 directing the second respondent to dispose of the stay application filed in the appeal dated 30.05.2015 against the order of the third respondent dated 11.05.2015 within one week from the date of receipt of the order. Later, the stay application was dismissed by the second respondent, through order dated 15.06.2015. Challenging the same, the present writ petition is filed.

Though the learned counsel for the petitioner drew the attention of this Court to the order of cancellation passed by the third respondent dated 11.05.2015, this Court is not inclined to examine the same in view of pendency of appeal before the second respondent. The second respondent while dismissing the stay application called for the remarks from the third respondent by proceedings dated 15.06.2015.

In the normal course, the second respondent should have disposed of the appeal filed by the petitioner. Since the appeal is pending before the second respondent, the second respondent is directed to conduct an enquiry by giving due opportunity to the petitioner and pass final orders thereon within a period of 60 days from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 07.10.2015

Note: Issue CC by 10.10.2015

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