

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.7155 of 2015

ORDER:

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

2. This writ is filed seeking writ of *Mandamus* declaring the inaction of the 2nd respondent in not passing any orders on the stay petition filed along with an appeal challenging the Proceedings No.R.C.F/7645/2014, dated 23.02.2015 passed by the 3rd respondent where under he cancelled the authorization of the petitioner Shop No.35, Chandaluru Village, Darsi Mandal, Prakasam District, without conducting an independent enquiry, as illegal and arbitrary.

3. On noticing certain irregularities committed by the petitioner, who is the Fair Price Shop dealer, a show cause notice was issued to her on 18.12.2014 by the 3rd respondent and on receiving the explanation and after conducting enquiry, the 3rd respondent passed an order on 23.02.2015 by cancelling the authorisation of the petitioner. Assailing the said order, the petitioner preferred an appeal before the 2nd respondent on 05.03.2015, which is pending. Along with the said appeal, she also filed a stay petition, but so far, the 3rd respondent has not passed any order either on the stay petition or in the appeal. Learned counsel appearing for the petitioner submits that the impugned order was passed without considering the explanation submitted by the petitioner and it was passed mechanically.

4. Admittedly, the appeal filed by the petitioner before the 2nd respondent is still pending. Under these circumstances, the 2nd respondent-Joint Collector (CS), Prakasam District, at Ongole, is directed to dispose of the appeal preferred by the petitioner against the

orders of the 3rd respondent, within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 20.03.2015

Note:

Furnish CC by 23.03.2015.

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URGENT

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