

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36360 of 2015

ORDER:

The writ petition is filed challenging the proceedings dated 16.10.2015, issued by the 2nd respondent-Revenue Divisional Officer, canceling the authorization of the petitioner for running a Fair Price Shop Dealer.

Heard Sri Ch.C. Krishna Reddy, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The main contention of the petitioner is that he was not given the opportunity of hearing before passing the impugned proceedings.

A perusal of the impugned order reveals that the petitioner was issued show cause notice on 10.12.2014 and once again on 22.04.2015 and he had submitted his detailed explanation to both the show cause notices. The respondents have also considered the explanation submitted in every respect. On earlier occasion, the petitioner filed a Writ Petition No.14138 of 2015, challenging the show cause notice dated 22.04.2015, issued by the 2nd respondent-Revenue Divisional Officer, and this Court disposed of the said writ petition by an order dated 08.07.2015, directing the 2nd respondent-Revenue Divisional Officer, to complete the enquiry pursuant to the show cause notice dated 22.4.2015. Inasmuch as the only grievance of the petitioner is that he was not given an opportunity of hearing before passing the impugned proceedings, I am not inclined to entertain the present writ petition as there is an effective alternative remedy of filing an appeal before the Joint Collector under the Essential Commodities Act, 1955 and the relevant control order. However, considering the fact that the impugned order came to be passed on 16.10.2015 and 30 days time has been given to the petitioner to file an appeal, I deem it appropriate to give liberty to the petitioner to file an appeal before the appellate authority and seek stay of the impugned order. Inasmuch as the appeal being a statutory right, I also deem it appropriate to grant stay of operation of the impugned proceedings till such time as the appellate authority disposes either the appeal or the stay application that may be filed by the petitioner. However, it is made clear that if the appeal is not filed within the time stipulated as prescribed under the Act and Rules made thereunder, the stay granted by this Court shall automatically stand vacated.

With the above observations, the writ petition is disposed of. No costs.
Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

Date:07.11.2015.

Note:

Issue CC in 2 days.

B/o.

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