

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2334 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents 1 to 3.

It is the case of the petitioner that the 5th respondent is the dealer of Fair Price Shop No.19, Samalkot, East Godavari District. The said dealership was kept under suspension initially and the petitioner was appointed as temporary dealer on 20.02.2010. The 5th respondent was given show cause notice on 14.11.2008 and ultimately the 2nd respondent passed an order of confiscation by an order, dated 23.09.2014. However, in spite of the grave irregularities, the 3rd respondent favourably considered the explanation submitted by the 5th respondent and restored his dealership by simply imposing penalty of 50% of the stock. Challenging the order of restoration by the 3rd respondent, the present writ petition is filed.

Learned counsel for the petitioner submitted that the order of restoration was passed by the 3rd respondent on 20.01.2015 without conducting any proper enquiry in spite of the orders of confiscation passed by the 2nd respondent and though the petitioner is a temporary dealer, she is entitled to challenge the orders of the restoration passed on 20.01.2015.

However, the petitioner has a remedy of appeal against the order passed by the 3rd respondent on 20.01.2015. In the circumstances, this Court is not inclined to entertain the present writ petition and accordingly, the writ petition is disposed of giving liberty to the petitioner to file an appropriate appeal to the appellate authority, if she so chooses within a period of 15 days from the date of receipt of a copy of this order and the appellate authority after receiving the

appeal, shall dispose of the same within a period of two months from the date of receipt of the appeal. There shall be no order as to costs.

Pending miscellaneous petitions in this Writ Petition, if any, shall stand closed in consequence.

A.RAMALINGESWARA RAO, J

01.06.2015

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