

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 10271 OF 2015

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Date: 01-06-2015

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Between:

E.Uthappa

... Petitioner

And

The State of Andhra Pradesh, rep.by its

Secretary, Civil Supplies Department, Secretariat,

Hyderabad and four others.

... Respondents

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 10271 of 2015

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ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was a fair price shop dealer of shop No.13 of Katarupally, Gandlapenta Mandal, Anantapur District. The Civil supply authorities/Deputy Tahsildar, Gandlapenta conducted enquiry and submitted a report to the 5th respondent on 25-10-2013. Basing on the same the 5th respondent suspended the authorization of the petitioner by proceedings

dated 26-10-2013. After receiving the said proceedings, the petitioner submitted explanation and when the same was not considered, the petitioner filed W.P.No.30859 of 2013 and the same was disposed of on 29-10-2013 by setting aside the order of the 5th respondent on the ground that he lacks jurisdiction to pass the order. Thereafter, the 4th respondent passed an order of suspension on 03-12-2013 and again the petitioner approached this Court and filed W.P.No.35852 of 2013 and the same was allowed on 17-12-2013 on the ground that in the proceedings issued by the 4th respondent as well

as 5th respondent, the grounds are not identical. While so, the 4th respondent passed order of cancellation on 20-08-2014. Challenging the same, the petitioner preferred an appeal along with the stay petition before the third respondent and the stay application of the petitioner was rejected by the third respondent on 22-10-2014. The petitioner came to this Court and filed W.P.No.33428 of 2014 and the same was disposed of on 07-11-2014 directing the third respondent to dispose of the appeal itself within a period of one month. After receipt of the said order, the third respondent dismissed the appeal of the petitioner. Aggrieved by the said order, the petitioner preferred the revision before the second respondent along with stay petition, but the same was dismissed by proceedings

dated 04-03-2015 with the following observations:

“ The Advocate on behalf of the Revision Petitioner present and heard the case. Having gone into the facts and circumstances of the case and upon application of my mind and scrutiny of records I do not find any reason to interfere with the order of the Joint Collector and accordingly the order of the Joint Collector dated 26-12-2014 is upheld and the Revision Petition is dismissed. No costs.”

Challenging the same, the present writ petition is filed.

A reading of the above order shows that the Revisional authority has not applied its mind to the facts of the case and not considered the allegations properly. In the circumstances, the impugned order passed by the second respondent is set aside.

Accordingly, the writ petition is allowed and the revision petition is remanded to the second respondent to consider the same afresh within a period of three months from the date of receipt of copy of the order, after giving due opportunity to the petitioner.

In consequence, the miscellaneous petitions, if any, pending in this writ petition shall stand dismissed. No order as to costs.

A.RAMALINGESWARA RAO, J.

Date: 01-06-2015

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