

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.3211 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the 2nd respondent in not passing orders either in the stay application or in the appeal, which was filed challenging the proceedings dated 17.01.2015 issued by the 3rd respondent, as arbitrary and illegal.

Petitioner is the dealer of fair price shop No.21, Minnekallu Village, Santhamaguluru Mandal, Prakasam District. While so, on 11.12.2014 at about 7.00 a.m, the Food Inspector, Ongole and other staff inspected the fair price shop of the petitioner, verified the registers, found excess stock, seized the same and submitted report dated 11.12.2014 to the 2nd and 3rd respondents. Based on the said report, the 3rd respondent issued show cause notice dated 18.12.2014 to the petitioner, for which he submitted his explanation.

The grievance of the petitioner is that without considering his explanation and without conducting any enquiry, *vide* order dated 17.1.2015, the 3rd respondent- Revenue Divisional Officer, Ongole, cancelled his

authorization and passed the final order.

The petitioner, however, preferred an appeal along with an interlocutory application, before the second respondent on 9.2.2015. But, so far, no orders have been passed either in the interlocutory application or in the appeal.

Since the appeal is pending with the 2nd respondent-Joint Collector (Civil Supplies), Prakasam District, Ongole, this Court is not inclined to go into the merits of the case.

Therefore, the Writ Petition is disposed of directing the 2nd respondent to dispose of the appeal as well as the interlocutory application, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

23rd February, 2015
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Note: Issue CC by Monday.

