

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22822 of 2015

ORDER:

The petitioner was appointed as fair price shop dealer of shop No.4 of Ayyavaripalli Village, Valetivaripalem Mandal, Prakasam District. When he went to Kandukur for attending a marriage function on 18.07.2014, he entrusted the shop to his brother for distribution of essential commodities. On that day, the shop was inspected by the Food Inspector, Kandukur, who noticed some variations in the stock. Based on the same, proceedings u/s.6-A of Essential Commodities Act were initiated and the same were pending. In respect of the same allegations, a show cause notice was issued on 05.08.2014 and the petitioner submitted his explanation on 22.08.2014. Without properly considering the same, an order of cancellation of authorization was passed on 04.03.2015. Against the said order, the petitioner preferred an appeal before the second respondent-Joint Collector (Civil Supplies), Ongole on 06.03.2015 by raising various grounds along with stay application and when the second respondent did not dispose of the stay application or the appeal, the present writ petition is filed.

The learned counsel for the petitioner submits that there are only two allegations against the petitioner and the first allegation relates to running of the shop through a benami and the second allegation relates to variations in the stock which are marginal in nature.

However, in view of the appeal preferred by the petitioner way back on 06.03.2015 before the second respondent, this Court is not inclined to go into the merits of the case at this stage.

The second respondent is directed to consider the stay application of the petitioner in the appeal and pass appropriate orders thereon, within a period of one week from the date of receipt of a copy of this order. The second respondent shall take up the appeal also and dispose of the same on merits, in accordance with law, within a period of 60 days from the date of disposal of the stay application.

With the above directions, the writ petition is disposed of.

Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 23.07.2015

Note: Issue CC in three days
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