

THE HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.9455 of 2015

Date: 06.04.2015

Between:

Ayyallaru Prasanna,
Suddapalli Village, Peddamudiam Mandal,
kadapa.

..... PETITIONER

And

The Revenue Divisional Officer,
Jammalamadugu,
YSR District and two others.

.....RESPONDENTS

The Court made the following:

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies for the State of Andhra Pradesh.

This Writ Petition is filed to declare the action of the first respondent in issuing the impugned proceedings dated 10.03.2015 cancelling the authorization of the

petitioner as Fair Price Shop dealer, as arbitrary and illegal.

The petitioner was appointed as permanent Fair Price Shop dealer in respect of Shop No.7 of Suddapalli Village, Pedamudiam Mandal, YSR District *vide* proceedings dated 09.09.2010. Earlier, the petitioner's authorization was suspended on the ground that her authorization was not renewed and that at the time of inspection of the Fair Price Shop, it was noticed that she had committed irregularities in distribution of essential commodities to the card holders. Aggrieved by the same, she filed W.P.No.25773 of 2014. A learned Single Judge of this Court set aside the order of suspension holding that the authority concerned passed the said order without application of mind. However, the learned Single Judge observed that the authority concerned can proceed with regular enquiry, if there are any irregularities. Thereafter, the Revenue Divisional Officer, Jammalamadugu, who is the appointing authority, passed the impugned order dated 10.03.2015 cancelling the authorization of the petitioner as Fair Price Shop dealer.

Learned counsel appearing for the petitioner submits that the petitioner made an application for renewal of licence within the time prescribed and also remitted the requisite amount through challan, a xerox copy of which has been filed along with the Writ Petition, and that the impugned order clearly indicates that it was passed without conducting any enquiry and ignoring the fact that the application of the petitioner for renewal of licence is pending with the authority concerned. Therefore, he seeks to set aside the impugned order.

A perusal of the impugned order shows that the petitioner has committed certain irregularities such as distributing kerosene at the rate of 1 Ltr instead of 2 Ltrs to the Card holders and there are some variations in the stock.

Against the impugned order, the petitioner has a remedy of appeal before the Joint Collector. The petitioner is, therefore, directed to file an appeal before the Joint Collector and on filing such appeal, the Joint Collector is directed to dispose of the same within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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

R.KANTHA RAO,J

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