

**HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 12912 of 2016**

**ORDER:-**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioner was appointed as Dealer of Fair Price Shop No.5 of Katiperi Village, Chowdepalli Mandal, Chittoor District. While so, basing on a report of the Tahsildar, Chowdepalle, dated 19.02.2016 that on 12.01.2016 the Vigilance & Enforcement Officers, Tirupati along with the V.R.O. and M.R.I., Chowdepalle visited the shop of the petitioner and noticed certain irregularities and variation in the stock, the 3<sup>rd</sup> respondent issued a show cause notice dated 29.02.2016 framing four charges against the petitioner and seeking her explanation to the said charges, for which, the petitioner submitted explanation on 09.03.2016. Being dissatisfied with the explanation submitted by the petitioner, the 3<sup>rd</sup> respondent cancelled her authorization vide proceedings Dis/(A3)/526/2016, dated 12.03.2016. Challenging the same, the petitioner preferred an appeal before the 2<sup>nd</sup> respondent on 18.03.2016 along with a stay petition. When the same is

not disposed of, the present writ petition is filed.

The main grievance of the petitioner is that though she filed an appeal before the 2<sup>nd</sup> respondent along with a stay petition on 18.03.2016, no orders are passed either on the stay petition or on the appeal till date.

In view of the petitioner preferring an appeal against the impugned order dated 12.03.2016 passed by the 3<sup>rd</sup> respondent, this Court is not inclined to consider the validity or otherwise of the said order. However, in the facts and circumstances of the case and since the petitioner has already filed an appeal along with a stay petition, the 2<sup>nd</sup> respondent is directed to dispose of the appeal within a period of eight (8) weeks from the date of receipt of a copy of this order. Further, as the right of appeal being a statutory right and in view of the judgment of this Court in **Anab-E-Shahi Wines and another Vs. Deputy Commissioner**<sup>[1]</sup>, I deem it appropriate to grant stay of the order of the 3<sup>rd</sup> respondent dated 12.03.2016, pending disposal of the appeal by the 2<sup>nd</sup> respondent.

The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

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**CHALLA KODANDA RAM, J**

19<sup>th</sup> April, 2016  
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<sup>[1]</sup> (1995) 98 STC 386 (AP)