

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9964 OF 2016

ORDER:

The case of the petitioner, as per affidavit averments of the petitioner, is that he was appointed as Fair Price Shop dealer in respect of F.P. Shop No.10 of Machavaram Village, Kandukur Mandal, Prakasam District, in the year 2008. While so, on 15.03.2015 the Enforcement Deputy Tahasildar, Kandukur, inspected the Fair Price shop of the petitioner and found shortage of 2.01 quintals of rice and basing on the report of E.D. Tahasildar, a show cause notice dated 02.04.2015 was issued to the petitioner alleging irregularities, in response to which the petitioner had submitted his explanation on 15.04.2015 denying the charges made against him. By order 23.09.2015, the authorization of the petitioner was cancelled by the Revenue Divisional Officer, Kandukur. As against the same, petitioner preferred an appeal before the 3rd respondent along with stay application. Since the 3rd respondent was not taking any action, petitioner filed W.P.No.40575 of 2015 wherein this Court directed the 3rd respondent, by order dated 15.12.2015, to decide the stay application within two weeks and the appeal in six weeks. Pursuant to the same, the 3rd respondent i.e. Collector (CS) Prakasam has taken up the appeal and dismissed the appeal and stay petition by order dated 10.02.2016 without properly appreciating the explanation of the petitioner. Challenging the same, petitioner filed revision before the 2nd respondent i.e. Collector & District Magistrate, Prakasam District at Ongole together with stay petition. Since no orders are passed either in stay petition or in revision, petitioner was constrained to file this writ petition.

Further, a perusal of the material on record particularly the order

of the 3rd respondent does not *prima facie* indicate consideration of crucial grounds raised by the petitioner with respect to non-furnishing of report of Food Inspector to the petitioner and the another that cancellation of Fair Price Shop dealership has been done on the ground other than one which was shown in the show-cause notice. These two questions are very important questions and required to be determined by the appellate authority. However, the order of 3rd respondent does not *prima facie* appear to have considered these two questions. Hence, I am inclined to suspend the order of the 4th respondent as confirmed by the 3rd respondent, pending disposal of the revision before the 2nd respondent.

Hence, the writ petition is disposed of directing the 2nd respondent-Collector & District Magistrate to dispose of the revision itself in a time bound manner. The 2nd respondent shall dispose of the revision, stated to have been filed on 14.03.2016 by the petitioner, within a period of six 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 CHALLA KODANDA RAM

29th March, 2016
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