

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

**WRIT PETITION No. 12951 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 Nallaguntla Village, Dornala Mandal, Prakasam District, and her authorization is valid up to 31.03.2017. While so, on 07.02.2016 the Food Inspector, Markapuram, visited the shop and noticed certain irregularities and submitted a report to the 3<sup>rd</sup> respondent. Basing on the said report, the 3<sup>rd</sup> respondent issued a show cause notice to the petitioner on 10.02.2016 calling upon her to show cause as to why her authorization should not be cancelled, for which the petitioner submitted her explanation on 03.03.2016. Not satisfied with the explanation of the petitioner, the 3<sup>rd</sup> respondent cancelled her authorization vide proceedings Rc.C/182/2016, dated 17.03.2016. Challenging the same, the petitioner preferred an appeal before the 2<sup>nd</sup> respondent on 24.03.2016 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 24.03.2016, 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 17.03.2016 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 17.03.2016, 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.

---

**CHALLA KODANDA RAM, J**

19<sup>th</sup> April, 2016  
cbs

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12951 of 2016

19<sup>th</sup> April, 2016

cbs

---

[\[1\]](#) (1995) 98 STC 386 (AP)