

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10430 of 2016

ORDER:-

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

Facts of the case in brief are that the petitioner was appointed as Dealer of Fair Price Shop No.18 of Venkaiah Kaluva Village, Kondapuram Mandal, Kadapa District. While so, basing on the report of the Enforcement Deputy Tahsildar, Muddanuru (Incharge) dated 29.03.2015 that the petitioner committed certain irregularities in distribution of essential commodities to cardholders, the 4th respondent issued a show cause notice dated 04.04.2015 calling upon the petitioner to show cause as to why his authorization should not be suspended, for which the petitioner submitted explanation on 21.04.2015. Not satisfied with the explanation of the petitioner, the 4th respondent suspended her authorization for a period of three months pending enquiry vide proceedings No.B/231/2015, dated 28.04.2015. Challenging the same, the petitioner preferred an appeal before the 3rd respondent. On 01.06.2015, the 3rd respondent rejected

the said appeal while directing the 4th respondent to pass appropriate final orders within four weeks. Pursuant to which, the 4th respondent issued final show cause notice on 22.06.2015, for which the petitioner submitted explanation on 13.08.2015. Dissatisfied with the explanation of the petitioner, the 4th respondent suspended his authorization vide proceedings Ref.B/231/2015, dated 03.09.2015. Being aggrieved by the same, the petitioner filed an appeal before the 3rd respondent 15.09.2015 along with a stay petition. When the same is not disposed of, the present writ petition is filed.

The grievance of the petitioner is that though he filed an appeal before the 2nd respondent along with a stay petition on 15.09.2015, 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 03.09.2015 passed by the 4th 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 had already filed an appeal along with a stay petition, the 3rd respondent is directed to dispose of the appeal within a period of four (4) 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**^[1], I deem it appropriate to grant stay of the order of the 4th respondent dated 03.09.2015, pending disposal of the appeal or stay petition whichever is earlier, by the 3rd 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

30th March, 2016
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[\[1\]](#) (1995) 98 STC 386 (AP)