

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14381 of 2016

ORDER:

The petitioner has been appointed as Fair Price Shop Dealer for Shop No. 6 of Gundal Village, Chevella Mandal, Ranga Reddy District. The 3rd respondent issued a show-cause notice dated 09.12.2015 alleging certain irregularities committed by the petitioner and the petitioner submitted her explanation on 23.12.2015. However, dissatisfied with the same, the 3rd respondent suspended the authorization of the petitioner through order dated 31.3.2016. Challenging the said order, the petitioner preferred appeal along with application dated 06.04.2016 to suspend the impugned order before the 2nd respondent. But the 2nd respondent-Joint Collector did not pass any orders either in the appeal or in the stay application. Hence, the present writ petition.

Heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

Learned counsel for the petitioner contended that the 2nd respondent-Joint Collector, who is the appellate authority, had not taken any steps either to dispose of the appeal or to pass any orders in the stay application. The learned counsel relied on a judgment of this Court in **Anab-E-Shahi Wines and another vs. Deputy Commissioner [1]** wherein this Court had taken a view that it would be unreasonable if the stay is not granted when the appeal is pending before the lower authorities, and contended that the order of the primary authority as well as the appellate authority are liable to be interfered with.

On the other hand, learned Government Pleader for Civil Supplies contended that the Division Bench of this Court vide judgment dated 30.10.2014 in W.A.No.1346 of 2014 had interfered with the order dated 26.09.2014 of the learned single Judge in W.P.No.29209 of 2014 granting stay while disposing of the writ petition. He also relied on the judgment dated 14.05.2015 of another Division Bench in W.A.No.382 of 2015. In the above two writ appeals cited by the learned Government Pleader **Anab-E-Shahi Wines** case (1 supra) was not cited. Apart from that, the judgment in Writ Appeal No.1346 of 2014 is not applicable to the present set of facts for the reason that this Court had directed the appellate authority to dispose of the appeal and not stay application, because the order cited, which is applicable for refusing to stay, itself is a non speaking order and no useful purpose would be served once again directing the appellate authority to make a reasoned order except to multiply the litigation.

In that view of the matter, this Court deems it appropriate to direct the appellate authority to dispose of the appeal as expeditiously as possible, since the subject matter of the appeal before the appellate authority, who is the Joint Collector, is only cancellation of a fair price shop dealership license. However, in the interregnum period to prevent appointment of any third party as fair price shop dealer, interest of justice would be served in granting stay of the order of the lower authorities.

Accordingly, the writ petition is disposed of directing the 2nd respondent-Joint Collector to dispose of the appeal itself in a time bound manner. As the right of appeal being a statutory right and in view of the judgment of this Court in **Anab-E-Shahi Wines** case (1supra), there shall be stay of the proceedings dated 31.03.2016 of the 3rd respondent-Revenue Divisional Officer, pending disposal

of the appeal filed by the petitioner. The 2nd respondent-Joint Collector shall dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J

Date:26-04-2016

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