

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15661 OF 2016

ORDER:

The petitioner was stated to be a fair price shop dealer of Shop No. 73, Obanapalle, Mangasamudram Rural, Chittoor. She filed this Writ Petition complaining that in spite of the orders passed by this Court on 05.01.2016 in Writ Petition No. 310 of 2016, directing the 3rd respondent, Revenue Divisional Officer, Chittoor to complete the inquiry within a period of three months from that date and pass final orders, after considering the explanation submitted by the petitioner, pursuant to the show cause notice dated 17.10.2015, which was issued alleging variation in stock, no further orders have been passed so far.

When the matter came up for admission on 16.06.2016, learned Government Pleader for Civil Supplies (Andhra Pradesh) took time to get instructions. Today, he placed before this Court the proceedings of the Revenue Divisional Officer, Chittoor, dated 20.04.2016, where under the authorization of the petitioner fair price shop was cancelled.

Learned counsel for the petitioner submits that the present Writ Petition came to be filed on 28.04.2016 and on account of intervening vacation, the matter came to be listed on 16.06.2016. In the interregnum, his client has received the order dated 20.04.2016. The learned counsel contends that the said proceedings has been passed by putting ante-date and the said fact is evident from the speed post stamp dated 30.04.2016.

On the other hand, the learned Government Pleader disputes the argument of the learned counsel for the petitioner. According to him, the petitioner refused to receive the copy of the proceedings dated 20.04.2016, hence, on 25.04.2016, the same was pasted on the wall of her house bearing D.No. 30-938 at Obanapalle, in the presence of the villagers. A copy of the said endorsement was also annexed to the material papers placed before this Court by the learned Government Pleader and the same is taken on record. The complaint of the

petitioner is that she was not allowed to function as a fair price shop dealer without there being an order of suspension or cancellation of her authorization, now that the order dated 20.04.2016 has been passed cancelling the authorization, the petitioner cannot turn round and take a different plea, is the contention of the learned Government Pleader.

Prima facie, it is clear that the order dated 20.04.2016 has not been passed within the three months' time stipulated by this Court in Writ Petition No. 310 of 2016. The contention of the petitioner is that the order dated 20.04.2016 is ante-dated.

Though it is also possible that the order dated 20.04.2016 might have been ante-dated, as contended by the learned counsel for the petitioner, it is not necessary for this Court to inquire into this aspect, at this stage, as there is a remedy of Appeal available to the petitioner before the Joint Collector, the 2nd respondent herein. However, the fact that the order dated 20.04.2016 was dispatched on 30.04.2016 which was received by the petitioner on 06.05.2016 creates an element of doubt regarding passing the order on 20.04.2016.

In those circumstances, subject to the condition of the petitioner filing an Appeal within two weeks from today, the 2nd respondent shall entertain the Appeal and pass appropriate orders, after taking into account and consideration all the grounds raised therein, after providing an opportunity of hearing, as mandated under the Control Order. Till such time the 2nd respondent decides the Appeal, the order dated 20.04.2016 shall stand suspended.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

20th June 2016

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