

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8534 OF 2016

DATED 16th MARCH, 2016

BETWEEN

B. Lakshmi Reddy

...Petitioner

And

The State of AP, rep. by its Secretary,
Civil Supplies Department, Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8534 of 2016.

ORDER:

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

Aggrieved by the order dated 8.1.2016 passed by the third respondent suspending the Fair Price Shop authorization, the petitioner preferred an appeal before the second respondent on 3.2.2016. Along with the said appeal, the petitioner also filed interlocutory application seeking suspension of the operation of the order dated 08.01.2016 of the third respondent. When no orders are passed either on the interlocutory application or on the appeal, the petitioner filed the present Writ Petition.

Inasmuch as the petitioner has already preferred an appeal against the impugned order dated 08.01.2016 passed by the 3rd 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 preferred an appeal along with interlocutory application seeking suspension of the order dated 8.1.2016, the 2nd respondent is directed either to dispose of the interlocutory application or appeal itself within a period of four (4) weeks from the date of receipt of a copy of this order. Further, as the appeal being a statutory right, in view of the judgment of this Court in Anab-E-Shahi Wines and another Vs. Deputy Commissioner {(1995) 98 STC 386 (AP)} I deem it appropriate to grant stay of operation of the order dated 08.01.2016 passed by the third respondent, pending disposal of the appeal or interlocutory application by the 2nd respondent.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 16TH MARCH, 2016.
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