

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12998 of 2016

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents 1 to 3.

The petitioner was appointed as Dealer of Fair Price Shop No.37 of Bethapalli Village, Gooty Mandal, Anantapuram District. While so, basing on the report of the 3rd respondent dated 24.11.2015 that the Mandal Revenue Inspector-II, Gooty has inspected the shop of the petitioner on 23.11.2015 and found certain irregularities in distribution of essential commodities to the cardholders, the 2nd respondent issued a show cause notice dated 02.12.2015 calling upon the petitioner to show cause as to why his authorization should not be cancelled. As the petitioner did not submit explanation within the stipulated time, the 3rd respondent suspended his authorization pending enquiry. Challenging the same, the petitioner filed W.P.No.41509 of 2015 and the same was disposed of on 22.12.2015 with directions to the petitioner to file an explanation as also to the 2nd respondent to conduct enquiry. As per the directions of this Court in the said writ petition, the

2nd respondent issued notice to the petitioner and the petitioner submitted explanation on 20.02.2016. Having perused the entire material and being dissatisfied with the explanation submitted by the petitioner, the 2nd respondent terminated the authorization of the petitioner vide proceedings D.Dis.No.D1CS/3160/2015, dated 14.03.2016. Questioning the same, the present writ petition is filed.

Though the learned counsel for the petitioner submits that no proper enquiry was conducted by the 3rd respondent, this Court is not inclined to entertain the present writ petition, in view of availability of an alternative remedy, for which the petitioner is given liberty to file an appeal before the competent authority within a period of fifteen (15) days from the date of receipt of a copy of the order, and in such event, the competent authority shall dispose of the appeal within a period of four (4) weeks thereafter. 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 2nd respondent dated 14.03.2016, pending disposal of the appeal.

The Writ Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

19th April, 2016
cbs

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