

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35721 of 2016

ORDER:

The petitioner challenges the proceeding dated 24.09.2016 whereunder the third respondent cancelled the authorization of Fair Price Shop No.34 of Yemmiganur Village and Town.

2. The petitioner challenges the order of cancellation on several legal and factual objections including the proceeding dated 24.09.2016 that came to be issued, as directed by the second respondent. Therefore, the ancillary submission is that the appeal pending before the second respondent may not be considered on grounds of appeal raised by the petitioner against proceeding dated 24.09.2016. The petitioner draws the attention of the Court to explanation submitted by the petitioner to show cause notice dated 13.05.2016 and contends that even the explanation given by the petitioner is not considered with the required objectivity and the petitioner suffered injustice.

3. In normal circumstances, this Court would not have referred to these contentions but for the fact that an apprehension is expressed by the petitioner against the objective consideration of appeal by the second respondent and therefore, to see that the appeal is objectively heard and decided on merits, the above observations are made. Though the challenge is to proceeding canceling the fair price shop dealership, I am not inclined to entertain the writ petition since the appeal is pending. To meet the ends of justice, I direct the second

respondent to dispose of the appeal filed on 27.09.2016 against proceeding dated 24.09.2016 within six (6) weeks from the date of receipt of copy of this order. Petitioner is also given liberty to communicate the order by enclosing copy of grounds of appeal filed before the second respondent within one week.

The writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

October 24, 2016
DSK

S. V. BHATT, J

