

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.26031 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction of the first respondent in granting stay of proceedings of the second respondent in ROC/A3/2119/2016, dated 11.06.2016 pending appeal as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies (A.P.)

The petitioner was appointed as Fair Price Shop Dealer in respect of Shop No.51 of Vanamaladinne Village, Punganur Mandal. Since the date of appointment, the petitioner has been distributing the essential commodities to the card holders without any complaint whatsoever. A news item was published in Andhra Jyothi, Telugu Daily that the petitioner contravened the provisions of A.P.Public Distribution System (Control) Order, 2008. The second respondent issued a show-cause notice dated 13.05.2016 to the petitioner calling for his explanation. On 20.05.2016 the petitioner submitted his explanation. Being not satisfied with the explanation of the petitioner, the second respondent passed the orders on 11.06.2016 by cancelling the authorization of the petitioner. Feeling aggrieved by the orders of the second respondent, the petitioner preferred an appeal to the first respondent. During pendency of the appeal, the first respondent is not inclined to grant any stay. Hence, the present writ petition is filed.

At the time of argument, the learned Assistant Government Pleader submitted that incharge arrangements were made in respect of Fair Price Shop No.51 of Vanamaladinne Village, Punganur Mandal.

The learned counsel for the petitioner submitted that the first

respondent may be directed to dispose of the appeal as expeditiously as possible. The learned Assistant Government Pleader also consented with the submission made by the learned counsel for the petitioner.

In view of the submissions made by the learned counsel for both parties, this Court is not inclined to go into the merits of the main case.

Having regard to the facts and circumstances of the case, the first respondent is directed to dispose of Appeal No.C1/267/2016, as expeditiously as possible, preferably within a period of one (1) month from the date of receipt of a copy of this order. If the first respondent fails to dispose of the appeal within one month, the authorization of the petitioner in respect of Fair Price Shop No.51 of Vanamaladinne Village, Punganur Mandal may be restored.

With the above direction, the Writ Petition is disposed of.
No costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.08.2016

Note: Issue CC within one week.

(B/o)

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