

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14773 of 2016

ORDER:

The case of the petitioner, as per affidavit averments of the petitioner, is that she was appointed as permanent Fair Price Shop dealer in respect of F.P. Shop No.9, Ghantapuram Village, Bestavaripeta Mandal, Prakasam District, about 20 years back. While so, the 3rd respondent issued show cause notice dated 08.03.2016 alleging certain irregularities, in response to which the petitioner had submitted her explanation denying the charges made against her. However, without considering the same in proper perspective, 3rd respondent passed order dated 07.04.2016 cancelling the Fair Price shop dealership authorization of the petitioner. Challenging the same, the petitioner filed appeal before the 2nd respondent-Joint Collector along with stay petition. Since the 2nd respondent is not passing orders either in appeal or stay petition, petitioner filed the present writ petition.

2. Learned counsel for the petitioner contended that the 2nd respondent, who is appellate authority, is not taking up the appeal filed by the petitioner or atleast the stay petition. In support of his submission, learned counsel for the petitioner relied on a judgment of this Court in **Anab-E-Shahi Wines and another vs. Deputy**

Commissioner^[1], wherein this Court had taken a view that it would be reasonable if stay is not granted when the appeal is pending before the lower authorities.

3. On the other hand, learned Government Pleader for Civil Supplies contended that the Division Bench of this Court vide judgment dated 30.10.2014 in W.A.No.1346 of 2014 had interfered with the order dated 26.09.2014 of the learned single Judge in W.P.No.29209 of 2014 granting stay while disposing of the writ petition. He also relied on judgment dated 14.05.2015 of another Division Bench in W.A.No.382 of 2015.

4. In the above two writ appeals cited by the learned Government Pleader, Anab-E-Shahi Wines' case (1 supra) was not cited. Apart from that, the judgment in Writ Appeal No.1346 of 2014 is not applicable to the present set of facts.

5. In that view of the matter, this Court deems it appropriate to direct the appellate authority to dispose of the appeal as expeditiously as possible, since the subject matter of the appeal before the appellate authority, who is the Joint Collector, is only cancellation of a fair price shop dealership license. However, in the interregnum period to prevent appointment of any third party as fair price shop dealer interest of justice would be served in granting stay of the order of the lower authorities.

6. Accordingly, the writ petition is disposed of directing

the 2nd respondent-Joint Collector to dispose of the appeal itself in a time bound manner. As the right of appeal being a statutory right and in view of the judgment of this Court in Anab-E-Shahi Wines case

(1 supra), I deem it appropriate to grant stay of the order of the 3rd respondent-Revenue Divisional Officer, pending disposal of the appeal by the 2nd respondent. The 2nd respondent shall dispose of the appeal, stated to have filed on 20.04.2016 by the petitioner, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

27th April 2016.

Note:

Issue C.C. in two days.

(b/o)

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