

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.21224 of 2011

ORDER :

Heard Smt.T.Rajyalaxmi for petitioner, holding for Mr.G.V.Shivaji. The petitioner challenges Proceedings G/2313/2010, dated 09.06.2011 of the 5th respondent as illegal, arbitrary and contrary to the material available on record.

2. The 5th respondent, through impugned proceedings, has cancelled the authorization of petitioner for F.P. Shop No.114 in Kakinada Urban Mandal of East Godavari District. The petitioner challenges the impugned proceedings primarily on the ground that the finding recorded by the 5th respondent, particularly that the petitioner is working as a Teacher in a school, suffers from patent contradictions, and contrary to the material gathered by the 5th respondent and the 5th respondent, having taken note of the correct explanation submitted by the petitioner, ought to have appreciated that the petitioner was not a Teacher on regular basis working in Sama Public School. She prays for setting aside the proceedings.

3. The Assistant Government Pleader, on instructions, submits that having regard to orders passed in the writ petition earlier filed by the petitioner, as on date, the petitioner is distributing essential commodities through F.P. Shop No.114 and the order impugned in the writ

petition is an appellable order before the Joint Collector and the petitioner can be given liberty to avail the remedy of appeal and appropriate directions can be issued to Joint Collector to independently examine whether the allegation of benami stated against the petitioner is supported by material on record or not.

4. *Prima facie*, I am of the view that the order of the 5th respondent is an appellable order before the Joint Collector. The appeal, if availed by the petitioner, the Joint Collector can examine as an appellate authority all aspects of the matter and record appropriate findings. For the said purpose, I am satisfied that the writ petition can be disposed of by this order. The petitioner is given liberty to file appeal within four weeks from the date of receipt of a copy of this order before Joint Collector/4th respondent. The Joint Collector is directed to frame an issue as to whether the petitioner was distributing essential commodities benami and working as a Teacher in some public school, if necessary afford opportunity to petitioner and decide the appeal filed by her. Placing on record the statement of Assistant Government Pleader that as on date the petitioner is distributing the essential commodities, the parties are directed to maintain status quo as on date till the disposal of the appeal and orders are communicated to the petitioner.

Writ petition is disposed of with the above directions. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

S.V. BHATT, J

27th April 2016

N.B: Issue C.C. in one week.

(b/o)

ajr