

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7198 of 2016

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Between:

Koramutla Srinivasa Rao

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Secretary, Civil Supplies Department, Secretariat, Hyderabad, and others.

RESPONDENT

ORDER:

The case of the petitioner is that he was appointed as fair price shop dealer of shop No.0741029 of Arepalli Muppalla village in the year 2009 on permanent basis and his authorization was renewed from time to time. While so, on 7.12.2015 the Assistant Grain Purchasing Officer, Guntur inspected the shop of the petitioner, prepared a panchanama showing that there is excess stock of 1177.01 kgs of PDS rice and deficit stock of 0.58 kgs of sugar and submitted a report dated 10.12.2015 to the 2nd respondent-R.D.O, Narasaraopet. Basing on the said report, the 2nd respondent issued a show-cause notice dated 22.12.2015 to the petitioner, to which the petitioner had submitted a detailed explanation. In spite of the same, without considering his explanation and without conducting any independent enquiry, the 2nd respondent passed the impugned cancellation order dated 5.02.2016. Challenging the same, the present writ petition is filed.

Having considered the submissions made on behalf of the petitioner and considering the fact that the 2nd respondent had already cancelled the authorization of the petitioner, no useful purpose would be served in keeping the writ petition pending.

In those circumstances, the writ petition is disposed of directing the petitioner to avail the alternative remedy of appeal before the Joint Collector against the impugned order passed by the 2nd respondent. The petitioner shall file the appeal before the Joint Collector within a period of 30 days from the date of receipt of copy of the order and thereafter, the Joint Collector is directed to dispose of the said appeal within a period of four weeks from the date of filing of such appeal, after taking into consideration of the explanation submitted by the

petitioner and after conducting independent enquiry into the charges framed against the petitioner. Till the disposal of appeal, there shall be interim stay of the order dated 5.02.2016.

With the above direction, the writ petition is disposed of. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous petitions, if any pending in the writ petition, shall also be closed.

CHALLA KODANDA RAM, J.

14th March, 2016
Js.