

HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.30408,30409,30410,30411,30775,30683 AND 12384 OF 2016

COMMON ORDER:

Heard the learned counsel for petitioners and the Government Pleader for Civil Supplies.

The petitioners challenge the action of Revenue Divisional Officer/5th respondent in not issuing notification for selection and appointing fair price shop dealers for newly created 14 fair price shops pursuant to proceedings No.CS.3/228/2014 dated 29.09.2014, as illegal, arbitrary and unconstitutional.

The learned counsel for petitioners fairly states that the prayer canvassed in the instant writ petitions can also be worked out by filing appeal before the Joint Collector, Kurnool, but the reason for compelling petitioners to invoke the jurisdiction of this Court is that in cases like this, the remedy of appeal is treated as "Caesar to Caesar" and the record is not independently examined by appellate authority while deciding the appeal.

The learned Government Pleader submits that the issue is whether the notification conforms to roster point maintained by the Department. The Joint Collector being the appellate authority, can examine the record in detail, consider objections of petitioners and take a decision as warranted in the fact situation of the case. He, therefore, submits that if appeals are directed to be filed, the appellate authority, as noted above, will examine the appeals and

decide issues in accordance with law and the fact situation of the case. The statement is placed on record and accepted.

The submission of Government Pleader is accepted and the writ petitions can be disposed of by this order:

The petitioners are given liberty to file appeals within two weeks from today by enclosing a copy of this order. On filing appeals, the Joint Collector is directed to entertain the appeals without reference to delay, and decide the appeals on merits within a further period of 10 weeks. The parties are directed to maintain status quo as on date for a period of 12 weeks from today.

The writ petitions are disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any pending, stand closed.



S.V.BHATT,J

Date: 05.12.2016
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