

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6605 of 2016

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioner was appointed as Dealer of Fair Price Shop No.44 of Jagadurthy Village, Dhone Mandal, Kurnool District, and his authorization is valid up to 31.03.2017. While so, on 21.11.2015 the Mandal Revenue Inspector-II, Dhone visited the shop and noticed certain irregularities. Basing on the report of the Tahsildar, Dhone, and also the marginal instructions of the District Collector, Kurnool, the 3rd respondent suspended the authorization of the petitioner pending enquiry, vide proceedings Rc.B.1226/2015, dated 11.02.2016. Challenging the same, the petitioner preferred an appeal before the 2nd respondent on 22.02.2016 along with a stay petition. When the same is not disposed of, the present writ petition is filed.

The grievance of the petitioner is that without issuing any show cause notice, the 3rd respondent passed the impugned order and that though he filed an appeal before the 2nd respondent along with a stay

petition on 22.02.2016, no orders are passed either on the stay petition or on the appeal till date.

In view of the petitioner preferring an appeal against the impugned order dated 11.02.2016 passed by the 3rd respondent, this Court is not inclined to consider the validity or otherwise of the said order. However, in the facts and circumstances of the case and since the petitioner had already filed an appeal along with a stay petition, the 2nd respondent is directed to dispose of the appeal within a period of four (4) weeks from the date of receipt of a copy of this order. Further, as the right of appeal being a statutory right and in view of the judgment of this Court in Anab-E-Shahi Wines and another Vs. Deputy Commissioner^[1], I deem it appropriate to grant stay of the order of the 3rd respondent dated 11.02.2016, pending disposal of the appeal by the 2nd respondent.

The Writ Petition is accordingly disposed of. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

1st March, 2016

cbs

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6605 of 2016

1st March, 2016

cbs

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