

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5985 of 2016

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ORDER:

The order of the 2nd respondent-Revenue Divisional Officer, Guntur, dated 05.02.2016, canceling the authorization of Fair Price Shop No.0741028 situated in Gopuvaripalem Village of Ipur Mandal, granted in favour of the petitioner, is challenged before this Court.

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No. 0741028 situated in Gopuvaripalem Village of Ipur Mandal, in the year 2008. While so, basing on the report dated 08.12.2015 of the Assistant Grain Purchasing Officer, Guntur and Civil Supplies Deputy Tahsildar and other staff, the 2nd respondent-Revenue Divisional Officer, Narasaraopet, has issued a show cause notice dated 22.12.2015 framing as many as three charges. Though the petitioner submitted his explanation denying the charges made against him, the 2nd respondent without hearing him personally has passed the impugned order canceling his authorization against Shop No. 0741028 situated in Gopuvaripalem Village of Ipur Mandal. Challenging the same, the present writ petition is filed.

Having considered the nature of allegations made against the petitioner which are serious in nature and as of date a detailed order has been passed by the appointing authority i.e., 2nd respondent-Revenue Divisional Officer and as the findings of fact are under challenge, I am not inclined to interfere with the impugned order in writ jurisdiction as there is alternative remedy available to the petitioner before the Joint Collector. In the circumstances, interest of justice would be served if the writ petition is disposed of giving liberty to the petitioner to avail the alternative remedy of appeal raising all the grounds before the appellate authority and on filing of such appeal, the

appellate authority shall dispose of the same in a time bound manner.

Accordingly, 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 within a period of 30 days from the date of receipt of a copy of this Order. As and when such appeal is filed by the petitioner, the Joint Collector is directed to dispose of the said appeal or any stay application filed, 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 disposal of appeal or any stay application filed by the petitioner, there shall be interim stay of the impugned order.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

Date: 20.04.2016

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