

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15793 OF 2016

ORDER:

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

The petitioner was appointed as Dealer of Fair Price Shop No.11 of Chowdepalli Village and Mandal, Chittoor District. While so, basing on a report of the Tahsildar, Chowdepalle, dated 19.02.2016 that on 12.01.2016 the Vigilance & Enforcement Officers, Tirupati, along with the Village Revenue Officer and Mandal Revenue Inspector, Chowdepalle, visited the shop of the petitioner and noticed certain irregularities and variation in the stock, the 3rd respondent issued a show cause notice dated 29.02.2016 framing four charges against the petitioner and seeking her explanation to the said charges, for which, the petitioner submitted explanation on 09.03.2016. Being dissatisfied with the explanation submitted by the petitioner, the 3rd respondent cancelled her authorization vide proceedings in D.Dis/A3/527/2016, dated 12.03.2016. Challenging the same, the petitioner preferred an appeal before the 2nd respondent on 04.03.2016 along with a stay petition. Since the same is not disposed of, the present writ petition is filed.

The main grievance of the petitioner is that though she filed an appeal before the 2nd respondent along with a stay petition on 04.03.2016, 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 12.03.2016 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 has already filed an appeal along with a stay petition, the 2nd respondent is directed to dispose of the appeal within a period of eight (8) 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 12.03.2016, pending disposal of the appeal by the 2nd respondent.

With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Date:29.04.2016

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^[1] (1995) 98 STC 386 (AP)