

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17832 OF 2016

ORDER:

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.102 of Ramakrishnapuram Village, H/o Krishnagiri Village and Mandal, Kurnool District in the year 2010. The 2nd respondent-R.D.O issued show notice on 13.04.2016 along with enquiry report without framing any charges. Though the 2nd respondent did not frame any charges, the petitioner has submitted his explanation stating that the Tahsildar did not conduct any enquiry and he has simply forwarded the panchanama along with the particulars in proforma for Section 6-A case. The petitioner was asked to appear on 03.05.2016. Accordingly, the petitioner appeared on that day, but no opportunity was given to him. Thereafter, the 2nd respondent passed the impugned order on 04.05.2016 cancelling the petitioner's authorization. Questioning the same, the petitioner filed the present writ petition.

In view of the serious allegations leveled against the petitioner are proved and as there is alternative remedy available to the petitioner and as the findings of fact are under challenge, the petitioner may avail the alternative remedy of appeal.

In the 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. Therefore, the petitioner shall file an appeal before the Joint Collector within a period of 30 days from the date of receipt of 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 the disposal of appeal or any stay application filed by the petitioner, there shall be interim stay of the impugned order. No order as to costs. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

CHALLA KODANDA RAM, J

June 08, 2016
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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date: 08.06.2016

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