

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23316 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the fourth respondent in passing orders dated 02.04.2016 vide RC No.7171/2015/B canceling the authorization of the petitioner's fair price shop No.18 of Kokkanti Village, Tanakal Mandal, Anantapur District, as illegal, arbitrary and consequently set aside the same directing the respondents to permit the petitioner to run the FP shop of Kokkanti village, Tanakal Mandal, Anantapur District by supplying essential commodities and to pass such other necessary orders.

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

A perusal of the record reveals that the fourth respondent - Revenue Divisional Officer passed the final order on 02.04.2016 canceling the authorization of the petitioner in respect of fair price shop No.18 of Kokkanti village, Tanakal Mandal of Ananthapur District. Feeling aggrieved by the orders of the 4th respondent dated 02.04.2016, the petitioner herein filed an appeal before the third respondent – Joint Collector, Anantapur District. Along with the appeal, the petitioner also filed a petition to stay the operation of the orders of Revenue Divisional Officer and the same was rejected by the third respondent on 18.05.2016.

For one reason or other, the petitioner did not approach this Court immediately after passing of the order by the third respondent. The learned Assistant Government Pleader for civil

supplies on instructions submitted that the fair price shop of the petitioner was entrusted to another dealer as in-charge. He further submitted that the Joint Collector posted the matter to 30.07.2016. The learned counsel for the petitioner submitted that the third respondent may be directed to dispose of the matter as early as possible.

In view of the submissions made by the learned counsel for the petitioner, this Court is not inclined to express any opinion with regard to legality of the orders passed by the fourth respondent in view of the pendency of the appeal before the third respondent.

Having regard to the facts and circumstances of the case, the third respondent is hereby directed to dispose of the appeal within one month from the date of receipt of this order.

With the above direction, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

19.07.2016
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