

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21084 of 2016

ORDER:

The petitioner is the fair price shop dealer of Shop No. 11, Mallapuram Village, Vidapanakal Mandal, Guntur District. His authorization was suspended, pending inquiry, vide proceedings, dated 01.04.2015, on the allegation of certain irregularities. Questioning the same, the petitioner approached this Court by filing Writ Petition No. 12467 of 2015, wherein, a direction was given to the 2nd respondent Revenue Divisional Officer, Anantapur, to conduct inquiry within a period of 60 days from the date of receipt of a copy of that order. Thereafter, the 2nd respondent cancelled the authorization of the petitioner, through proceedings dated 14.08.2015, holding that the charges levelled against him were established. This order was also challenged in Writ Petition No. 4645 of 2016, which was disposed of directing the 4th respondent Joint Collector, Anantapur to dispose of the Appeal preferred by the petitioner, within a period of six weeks from the date of receipt of a copy of that order, after considering the explanation of the petitioner. The 4th respondent dismissed the Appeal on 02.06.2016, confirming the order of cancellation, dated 14.08.2015, as there was variation in the stock available with the petitioner. Both the abovesaid orders are impugned in this Writ Petition.

Learned counsel for the petitioner would mainly contend that the respondent authorities have passed the orders *ex parte*, in the absence of the counsel, without taking into account and consideration even the explanation submitted by the petitioner. But however, the fact remains that it is never the plea of the petitioner that his counsel was not informed of the date of hearing.

A look at the material available on record clearly shows that this

is the third round of litigation. Based on the directions given by this Court in Writ Petitions No. 12467 of 2015 and 4645 of 2016, the respondent authorities have moved swiftly and passed the order of cancellation and the same was also confirmed in the Appeal, as is evident from the orders impugned. When both the primary as well as the appellate authority has recorded concurrent findings of fact, this Court, in exercise of jurisdiction under Article 226 of the Constitution, cannot review the same. Hence, I am not inclined to entertain this Writ Petition. However, since a Revision is provided to the competent authority against the orders of the Appellate Authority, the petitioner may avail the said remedy, if he so desires.

With this, the Writ Petition stands dismissed. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J.

30th June 2016

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