

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7892 OF 2016

ORDER:

The order dated 09.02.2016 directing entrustment of distribution of commodities in favour of the 3rd party is challenged by the petitioner.

It is the case of the petitioner that direction has been issued on the ground that the authorization in her favour has expired in the year 2014 and the same has not been renewed. It is the contention of the petitioner that as required in terms of control order, the petitioner had applied for renewal and it is the inaction on the part of the respondent in taking necessary steps thereafter and therefore, non-renewal of authorization cannot be a ground for depriving her livelihood. It is the further contention of the learned counsel for the petitioner that the fact that her application has been recommended by the 5th respondent-Tahsildar, by letter dated 07.07.2014 for renewal to the 4th respondent itself is proved besides the application made by her; whereas, in the impugned order, the contra fact has been made as if no application is made by the petitioner. It is also her contention that the very fact that the impugned order came to be passed on 09.02.2016 would indicate that even up to January, 2016, she was allowed to distribute the essential commodities though the respondent authorities did not choose to validate and renew the authorization in her favour notwithstanding the fact that she had made application within time by paying the necessary fee as required.

On the other hand, learned Government Pleader submits that the petitioner also invoked the alternative remedy of filing appeal before the Joint Collector and in that view of the matter, learned counsel submits that the petitioner may be relegated to avail the alternative remedy, which she has already invoked.

In the facts and circumstances of the case, as there is an element of verification of factual aspects involved, and considering the fact that the petitioner had already filed an appeal before the appellate authority, interest of justice would be served. If the appellate authority is directed to pass orders either on the stay petition or in the main appeal itself in a time bound manner. Further, in view of the judgment of the Division Bench of this Court in **Anab-E-Shahi Wines and another v. Deputy Commissioner** ^[1] there shall be direction to the 2nd respondent to dispose of the appeal itself within a period of six weeks from the date of receipt of a copy of this order after giving opportunity to the petitioner. As the right of appeal being a statutory right and in view of the judgment of this Court referred to (1) supra, I deem it appropriate to grant stay of order of the 4th respondent, pending disposal of the

appeal before the 2nd respondent.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

In view of the disposal of the main writ petition, miscellaneous petitions, if any pending in the writ petition, shall also be closed.

CHALLA KODANDA RAM, J.

Date:11.03.2016.

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[\[1\]](#) (1995) 98 STC 386 (AP)