

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9557 of 2016

ORDER:

The case of the petitioner is that he was appointed as fair price shop dealer of shop No.25 of Rudrur Village of Varni Mandal, Nizamabad District and has been operating the same for the last 12 years without any remarks. While so, on 19.08.2015 the Mandal Revenue Inspector along with team of officials consisting of the Vigilance and Enforcement, Ramachandrapuram unit team, inspected the shop of the petitioner, prepared a report showing the stock of 6.50 Qtls., of P.D. Rice, 140 pockets of sugar and 45 liters of Kerosene oil, which is not tallied with the book balance. Therefore, the 2nd respondent-Joint Collector, has concluded 6-A proceedings by confiscating 100% value of the seized stock. Against which the petitioner has preferred an appeal before the Court of Sessions Judge at Nizamabad and the same is pending. While the things stood thus, the 3rd respondent-Revenue Divisional Officer, has issued a show cause notice dated 15.10.2015 to the petitioner, to which the petitioner had submitted a detailed explanation on 19.10.2015. In spite of the same, without considering his explanation and without conducting any independent enquiry, the 3rd respondent passed the impugned cancellation order dated 28.10.2015. Challenging the same, the present writ petition is filed.

Having considered the submissions made on behalf of the petitioner and considering the fact that there is an alternative remedy of appeal is available to the petitioner, no useful purpose would be served in keeping the writ petition pending.

In those 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 3rd respondent.

As and when such appeal is filed by the petitioner, the Joint Collector is directed to dispose of the said appeal 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, there shall be interim stay of the order dated 28.10.2015.

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

CHALLA KODANDA RAM, J.

23rd March, 2016
Ssv