

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8636 of 2016

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents 1 to 4.

The petitioner was appointed as Dealer of Fair Price Shop No.14 of Mallemdoddi Village, Maldakal Mandal, Mahabubnagar District. While so, basing on the report of the 4th respondent dated 14.07.2015 that the petitioner committed certain irregularities in distribution of essential commodities, the 3rd respondent issued a show cause notice dated 24.08.2015 calling upon the petitioner to show cause as to why his authorization should not be cancelled, for which the petitioner submitted explanation on 10.09.2015. Not satisfied with the explanation of the petitioner, the 3rd respondent suspended his authorization vide proceedings No.H/2937/2015, dated 26.09.2015. Challenging the same, the petitioner filed W.P.No.33613 of 2015 and the same was disposed of on 12.10.2015 with a direction to the 3rd respondent to conduct enquiry. Thereafter, the 3rd respondent issued notices dated 13.12.2015 and 19.12.2015, for which the petitioner submitted his

explanation on 28.12.2015. Later on, the 4th respondent submitted a detailed enquiry report against the petitioner on 17.02.2015. Having perused the entire material, the 3rd respondent issued proceedings No.H/2937/2015 dated 27.02.2016 cancelling the authorization of the petitioner. Questioning the same, the present writ petition is filed.

Though the learned counsel for the petitioner submits that no proper enquiry was conducted by the 3rd respondent, this Court is not inclined to entertain the present writ petition, in view of availability of an alternative remedy, for which the petitioner is given liberty to file an appeal before the competent authority within a period of fifteen (15) days from the date of receipt of a copy of the order, and in such event, the competent authority shall dispose of the appeal within a period of four (4) weeks thereafter. Further, as the right of appeal being a statutory right and in view of the judgment of this Court in ***Anab-E-Shahi Wines and another Vs. Deputy Commissioner***^[1], I deem it appropriate to grant stay of the order of the 3rd respondent dated 27.02.2016, pending disposal of the appeal.

The Writ Petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

17th March, 2016
cbs

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