

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.15280 OF 2016

ORDER:

The case of the petitioner is that she was appointed as fair price shop dealer of Kottapalem Village, Rajupalem Mandal, Guntur District. The 3rd respondent-R.D.O issued notice dated 27.05.2015 alleging certain irregularities in distribution of commodities. Thereafter, basing on the report submitted by the 4th respondent-Mandal Tahsildar, the 3rd respondent-R.D.O cancelled the authorization of the petitioner temporarily. Questioning the same, the petitioner filed the present writ petition.

3 . *Prima facie*, reading of the order itself discloses that enquiry, which is being conducted, beyond the allegations in the show cause notice apart from taking into consideration certain irrelevant material. However, this aspect of the matter is required to be considered by the appellate authority. In view of alternative remedy available to the petitioner and as the findings of fact are under challenge, the petitioner may avail the alternative remedy of appeal.

4. In the 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. Therefore, the petitioner shall file an appeal before the Joint Collector within a period of 30 days from the date of receipt of copy of this order. As and when such appeal is filed by the petitioner, the Joint Collector is directed to dispose of the said appeal or any stay application filed 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 or any stay application filed by the petitioner, there shall be interim stay of the impugned order. No order as to costs. Miscellaneous petitions, if any pending in the writ petition, shall also be closed.

CHALLA KODANDA RAM, J

APRIL 28, 2016
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Date: 28.04.2016

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