

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11787 OF 2016

ORDER:

The case of the petitioner, as per affidavit averments of the petitioner, is that she was appointed as Fair Price Shop dealer in respect of F.P. Shop No.39, Basinipalli Village, Gooty Mandal, Ananthapuram District. While so, on 18.12.2014 the 3rd respondent inspected the fair price shop of the petitioner and submitted an enquiry report on 27.12.2014 and basing on the said report, the authorization of the petitioner was suspended. It is further submitted that without considering the explanation submitted by the petitioner, the 3rd respondent filed a report to the 2nd respondent and in turn he issued a show cause notice to the petitioner directing to submit his explanation within seven days. As the petitioner had already submitted her explanation on 24.12.2014, without considering the same in proper perspective, the 2nd respondent suspended the authorization of the petitioner. Subsequently, the 2nd respondent conducted a detailed enquiry and passed cancellation order in D.Dis.No.D1CS/73/2015 dated 15.03.2016. It is the grievance of the petitioner that the 2nd respondent without giving any opportunity to the petitioner and only basing on the explanation submitted by the petitioner, without considering the explanation and without conducting enquiry, had cancelled the authorization of the petitioner. Hence, the same is not sustainable.

In view of the serious allegations leveled against the petitioner are proved and as there is alternative remedy available to the petitioner and as the findings of fact are under challenge, the petitioner may avail the alternative remedy of appeal.

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 2nd 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 within a period of six weeks from the date of filing of such appeal, after taking into consideration the explanation submitted by the petitioner and after conducting independent enquiry into the charges framed against the petitioner. Till disposal of the appeal, there shall be interim stay of the order dated 15.03.2016. No order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

Challa Kodanda Ram, J

11th April, 2016.

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