

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 29987 of 2017

ORDER:

Petitioner was appointed as a dealer of Fair Price Shop No.26 of Kanakanalapalli Village, Sattenapalli Mandal, Guntur District in 1982 under S.C. category. Based on a complaint, respondent No.2 – Revenue Divisional Officer, Guntur, issued a show cause notice to the petitioner on 28.12.2015 framing two charges against him. The authorization of the petitioner was suspended by respondent No.2 on 28.12.2015 itself. Challenging the same, he filed W.P.No.19741 of 2016 and the same was disposed of on 22.06.2016 with a direction to respondent No.4 - Joint Collector, Guntur, to dispose of the appeal filed by the petitioner on 17.06.2016, within 45 days. The appeal was disposed of by respondent No.4 on 06.01.2017 by remanding the matter to respondent No.2 with a direction to complete the enquiry, but respondent No.2 did not pass orders. In those circumstances, he filed this writ petition.

When the matter was taken up for consideration on 11.09.2017, learned Government Pleader submitted that an order of cancellation was passed on 01.02.2016 and hence, there is no question of pendency of any enquiry before respondent No.2. But, learned counsel for the petitioner submitted that the said order was not communicated to the petitioner and was not brought to the notice of this Court also when this Court disposed of W.P.No.19741 of 2016 on 22.06.2016. In view of the doubt

expressed by the learned counsel for the petitioner, this Court asked the learned Government Pleader to verify whether any order was passed on 01.02.2016. Learned Government Pleader submitted that in fact, an order was passed on 01.02.2016.

Learned counsel for the petitioner submitted that the order, dated 01.02.2016, was served on the petitioner only after filing the present writ petition.

Since there is delay in communicating him the order of cancellation, liberty is given to the petitioner to prefer a statutory appeal before the competent authority, within a period of 30 days from the date of receipt of a copy of this order, and as and when such appeal is filed, the competent authority shall dispose of the same within three months thereafter.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:18.09.2017

kdl

