

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 3450 of 2017.

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India challenges the order passed by the Revenue Divisional Officer, Devarakonda Division, Nalgonda District, second respondent herein, vide proceedings No.C/2650/2016, dated 02.12.2016.

Heard learned Counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner herein is the Fair Price Shop Dealer in respect of Shop No. 2 of Dharmarekha Thanda, Hamelt of Majira Pervala village, Neredugommu Mandal, Nalgonda District. According to the petitioner, his authorization is valid till 31.03.2017. The Revenue Divisional Officer issued proceedings No.C/2650/2016 dated 25.11.2016 calling upon him to show cause as to why his authorization should not be cancelled. In the said show cause, as many as three charges are levelled against the petitioner. According to the petitioner, an explanation was submitted by him on 01.12.2016. It is contended by learned Counsel for the petitioner that the impugned order, suspending the authorization of the petitioner, in the facts and circumstances of the cases, is not warranted and the same is illegal, arbitrary and

violative of Articles 14, 19 and 21 of the Constitution of India. It is further submitted that in the absence of any allegation of misappropriation, the authorities grossly erred in passing the order of suspension.

On instructions, it is submitted by learned Government Pleader appearing for the respondents that there is no illegality nor any infirmity in the proceedings under challenge, and as such the impugned order is sustainable. It is further stated that as against the order under challenge, the petitioner has alternative remedy of appeal before the Joint Collector. It is further submitted that 20 card holders were examined by the respondents before suspending the authorization of the petitioner.

Since the Control Order provides for appeal remedy as against the order of suspension, which is impugned in the present Writ Petition, this Court in the facts and circumstances of the case is not inclined to go into merits of the order of suspension and the petitioner needs to avail statutory alternative remedy of appeal before the Joint Collector.

For the aforesaid reasons, the Writ Petition is disposed of keeping open to the petitioner to file statutory appeal within a period of one month from the date of receipt of a copy of this order before the Joint Collector. If any such appeal is filed within the time stipulated hereinabove, the same be considered and disposed of in accordance with law within a period of two months

thereafter. Till the disposal of appeal, no permanent arrangements shall be made in respect of the subject fair price shop.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.V.SESHA SAI

DATED 7TH FEBRUARY, 2017.
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