

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.6818 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the 2nd respondent in not considering and passing orders in appeal and stay petition dt. 18-01-2017 filed by the petitioner and the order of the 3rd respondent in proceedings Rc.I/01/2017, dt.6-01-2017 suspending Fair Price Shop Dealership Authorization of the petitioner in respect of F.P. Shop No. 21, Chimmiribanda Village, Martur Mandal, Prakasam District as arbitrary, malafide, illegal, improper, void, vitiated, unwarranted, unconstitutional perverse, violative of statutory provisions of law and violative of law laid down by the Hon'ble High Court and consequently set aside the order of the 3rd respondent in proceedings Rc.I/01/2017, dt.6-01-2017 and direct the respondents to restore Fair Price Shop Dealership of the petitioner and release the essential commodities in favour of the petitioner.”

2. Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.
3. The grievance of the petitioner, as evident from the relief sought in the writ petition, is non-consideration and failure to

pass any orders on the appeal and stay petition dated 18.01.2017, filed by the petitioner against the order of suspension dated 06.01.2017, passed by the 3rd respondent.

4. According to the petitioner, he was appointed as fair price shop dealer of shop No.21 of Chimmiribanda Village, Martur Mandal, Prakasam District, about 18 years back. The Revenue Divisional Officer, vide proceedings Rc.I/01/2017, dated 06.01.2017, passed an order, suspending the authorization of the petitioner for a period of three months pending enquiry.

5. Aggrieved by the said order of suspension passed by the Revenue Divisional Officer, petitioner herein preferred appeal before the Appellate Authority/Joint Collector – 2nd respondent herein on 18.01.2017. Along with the said appeal, he also filed an application seeking stay of the operation of the order of suspension passed by the Revenue Divisional Officer. Admittedly, the said appeal and the stay application are pending consideration before the 2nd respondent – Joint Collector.

6. Having heard the submissions of the learned counsel for the petitioner and learned Government Pleader, this Court deems it appropriate to dispose of the present writ petition by directing the 2nd respondent to pass appropriate orders on the appeal and the stay application by fixing some timeframe.

7. For the aforesaid reasons, this writ petition is disposed of, directing the 2nd respondent – Joint Collector, to pass appropriate orders on the stay application dated 18.01.2017, filed by the petitioner herein along with the appeal, against the order of suspension dated 06.01.2017 passed by the 3rd respondent, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after giving notice and opportunity of hearing to the petitioner herein. The Joint Collector shall also make an endeavour to pass final orders on the appeal.

8. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

01.03.2017
SS

A.V.SESHA SAI, J

*Note:issue C.C. in two days.
B/o.SS*