

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

WRIT PETITION No.1397 of 2017

ORDER:

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

“to issue writ of mandamus to declare the action of the 2nd respondent in failing to consider the stay petition filed along with statutory appeal dt:17-12-2016 till date without passing any order pursuant to the orders of the 3rd respondent dated 19-11-2016 in suspending the authorization of the petitioner as illegal, arbitrary and unconstitutional and consequently direct the respondents No.2 to consider and dispose of the stay petition pending before him in the statutory appeal filed on 17-12-2016.”

Heard, Sri M. Janardhan Rao, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

The Revenue Divisional Officer, Adoni vide proceedings Rc.No.M.4447/2016, dated 19-11-2016 suspended the authorization of the petitioner, pending enquiry. Assailing the validity of the said suspension order, the petitioner herein filed an appeal under Clause 20 (2) of A.P. State Public Distribution System (Control) Order, 2008 on 17-12-2016 before the Joint Collector, Kurnool – 2nd respondent herein. Along with the said appeal, the petitioner herein also filed an application praying for stay of the said suspension order.

The grievance of the petitioner as submitted by learned counsel for the petitioner is non-disposal of the said statutory appeal, dated 17-12-2016 and the stay application.

Having regard to the nature of controversy and taking into consideration the submissions of learned counsel for the petitioner and learned Government Pleader appearing for respondents, this Court is of the considered opinion that the ends of justice would be served if the appellate authority – 2nd respondent is directed to pass appropriate orders by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the Joint Collector, Kurnool – 2nd respondent herein to pass appropriate orders on the stay application, dated 17-12-2016 filed by the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order and to dispose of the main appeal within a period of three (3) months after giving notice and opportunity of being heard to the petitioner herein.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

January 17, 2017

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