

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21500 OF 2017

ORDER:

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

“to issue a writ or order more particularly one in the nature writ of mandamus or an appropriate writ or order declaring the action of the 2nd respondent in refusing to grant stay vide proceedings in Rc.C52/130/2017, dated : 15.06.2017, in the stay petition filed along with an appeal challenging the proceedings No.R.C.C.1110/2016, dated 22.05.2017, of the 3rd respondent where under cancelled the authorization of the petitioner, Shop No.6, Birudalanarava Village, Markapuram Mandal, Prakasam District, Andhra Pradesh, without conducting an independent enquiry and without application of mind as illegal, arbitrary and contrary to the principles of natural justice and consequently set aside the order of the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Heard learned counsel for the petitioner and also the learned Government Pleader for Civil Supplies, representing the respondents and perused the prayer in the writ petition with supporting affidavit and also the impugned order dated

15.06.2017, refusing to grant stay pending appeal before the District Collector (CS).

3. It is the submission of the learned counsel for the petitioner that the impugned proceedings, which are subject matter of the appeal before the District Collector (CS) are unsustainable and it is nothing but a third round of litigation with stereo typed orders, the Revenue Divisional Officer was passing as a disciplinary authority and on the same outcome of non-application of mind and had it been properly appreciated stay pending appeal should have been granted by the District Collector (CS), hence, by set aside the order refusing to stay suspension pending appeal and grant stay pending appeal.

4. It is the submission of the learned Government Pleader for the respondents that already appeal filed and it is pending, records also called for and if at all any expeditious disposal, a direction can be issued and for no grounds to stay pending appeal to consider much less by sitting against the dismissal order of the District Collector (CS).

5. As the matter is already pending for disposal of the appeal before the District Collector (CS), this writ petition is disposed of, directing the District Collector (CS) to dispose of the appeal before him within six weeks from the date of receipt of a copy of this order and the petitioner is directed to

appear before the Collector (CS) in the appeal for hearing on 10.07.2017 and on such other dates being fixed. If the appeal could not be disposed of within the said period, this order operates as suspension of the impugned appeal order till disposal of the appeal.

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

DR.B.SIVA SANKARA RAO,J

04.07.2017

*Note: issue C.C. by tomorrow.
B/o.SS*

