

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

WRIT PETITION No.7468 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, challenging the order, dated 28.07.2016, passed by the Revenue Divisional Officer, Anantapuramu, cancelling the authorization of the petitioner herein as confirmed by the 2nd respondent vide order, dated 21.01.2017.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.

3. Against the order of cancellation passed by the Revenue Divisional Officer, which is impugned in the present writ petition, the petitioner herein filed a statutory appeal under the Control Order, 2008 and the Joint Collector/appellate authority passed order on 21.01.2017, dismissing the appeal, thereby confirming the order of cancellation passed by the Revenue Divisional Officer. The validity of order of cancellation, as confirmed in the appeal, is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the orders impugned are highly illegal, arbitrary and that both the primary authority and the appellate authority have not decided the issue in proper perspective.

5. On the contrary, it is submitted by learned Government Pleader that the present writ petition is not maintainable in view of availability of alternative remedy of revision to the petitioner before the District Collector under Control Order, 2008 and that without

availing the same, the present writ petition is filed before this Court, under Article 226 of the Constitution of India. It is further submitted by learned Government Pleader that both the primary and appellate authority considered the issue elaborately and came to a conclusion, as such, the said orders are not amenable for any judicial review under Article 226 of the Constitution of India. It is also submitted by learned Government Pleader that the variations, as indicated in the impugned proceedings, are on higher side, as such, the petitioner is not entitled to any relief.

6. In view of the above, this Court is of the considered opinion that the ends of justice would be served, if the petitioner is relegated to avail the alternative remedy of revision before the District Collector.

7. For the aforesaid reasons, this Writ Petition is disposed of, keeping it open to the petitioner herein to file a revision before the District Collector, Anantapuramu, within a period of two (02) weeks from the date of receipt of a copy of this order. If the same is filed, the same be considered and appropriate orders be passed in accordance with law, after giving notice and opportunity of hearing to the petitioner herein.

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

A.V.SESHA SAI, J

MARCH 03, 2017
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Date: 03.03.2017

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