

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

W.P.No.7197 of 2017

ORDER:

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

“To issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the order in Rc.No.1666/2016 CS dated 08.12.2016 issued by the Revenue Divisional Officer, Srikakulam, the 3rd respondent herein cancelling the authorization of the petitioner without assigning valid reasons as illegal, arbitrary, contrary to Law and violative of Principles of Natural Justice and also Articles 14,19(1)(g) and 21 of the Constitution of India and set aside the same”.

2. The order of cancellation of fair price shop authorization in respect of Shop No.24 of Ayyavaripeta village, Gara Mandal, Srikakulam district passed by the 3<sup>rd</sup> respondent-Revenue Divisional Officer, Srikakulam vide proceedings Rc.No.1666/2016 CS dated 8.12.2016 is under challenge in the present writ petition.

3. Followed by a show cause notice dated 9.9.2016 and submission of explanation by the petitioner herein on 19.9.2016, the 3<sup>rd</sup> respondent-Revenue Divisional Officer passed order dated 8.12.2016, canceling the authorization of the petitioner. As against the said order of cancellation, the petitioner herein filed appeal before the 2<sup>nd</sup> respondent-Joint Collector. Along with the appeal, petitioner also filed an application seeking stay of operation of the impugned order of cancellation of authorisation passed by the Revenue Divisional Officer. It is the submission of the learned counsel for the petitioner that the order of cancellation passed by the Revenue Divisional Officer, in the facts and circumstances of the case, is highly arbitrary and illegal. It is further submitted that though the petitioner filed appeal before the Joint Collector as long back as on 12.1.2017 along with application seeking stay of operation of cancellation order, no orders have been passed

by the Joint Collector so far, and in view of the same, petitioner is sustaining lot of hardship.

4. On the contrary, it is submitted by the learned Government Pleader that since the charges framed against the petitioner are grave in nature, no interference is warranted under Article 226 of the Constitution of India and since the appeal is pending consideration before the Joint Collector, the petitioner can pursue the said appeal and factual aspects can be gone into by the Joint Collector.

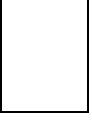
5. Having heard the learned counsel for the petitioner and the learned Government Pleader for Respondents, this Court is of the considered opinion that ends of justice would be served if the Joint Collector is directed to pass appropriate orders on the stay application filed by the petitioner and also on the appeal by fixing some time frame.

6. For the aforesaid reasons, the writ petition is disposed of, directing the 2<sup>nd</sup> respondent-Joint Collector to pass appropriate orders on the stay application filed by the petitioner by the 3<sup>rd</sup> Respondent-Revenue Divisional Officer within a period of two weeks from the date of receipt of this order. If no orders are passed within the time stipulated above, the petitioner herein shall be permitted to lift the stock. The Joint Collector shall also make an endeavour to dispose of the main appeal as expeditiously as possible. As a sequel, the Miscellaneous Petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 15.3.2017

Note:  
Issue C.C. forthwith.  
B/o  
DA



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15.3.2017

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