

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

WRIT PETITION No.8958 OF 2017

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order of suspension passed by the 3rd respondent vide Rc.No.C.3689-20/2016, dated 31.12.2016.

2. Heard, Sri G.Venkatesulu Naidu, learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

3. According to the petitioner, he was running a fair price shop bearing shop No.0982049 of Nellore Town and Mandal, SPSR Nellore District and he was granted authorization for the same in the year 2010. The 3rd respondent herein issued a show cause notice, dated 27.11.2016, asking the petitioner to show cause as to why his authorization should not be suspended. In response to the said show cause notice, the petitioner herein submitted an explanation on 21-12-2016. Thereafter the Revenue Divisional Officer passed an order vide proceedings Rc.No.C.3689-20/2016, dated 31.12.2016, suspending the authorization of the petitioner. Felt aggrieved by the said order of suspension, on 12.01.2017, the petitioner herein approached the appellate authority by way of filing appeal. Along with the said appeal, petitioner herein also

filed an application seeking stay of operation of the order of suspension.

4. According to the learned counsel for the petitioner, though the petitioner herein submitted an elaborate explanation to the show cause notice denying the allegations the same was not considered by the Revenue Divisional Officer, while passing the order of suspension and that the 3rd respondent passed the order of suspension in a mechanical manner.

5. On the other hand, it is submitted by learned Government Pleader that since the allegations are serious in nature, the petitioner herein is not entitled for any indulgence of this Court and the appeal already filed by the petitioner herein is pending before the appellate authority/ 2nd respondent herein.

6. A perusal of the order of suspension, dated 31.12.2016 shows that except extracting the contents of show cause notice and the explanation offered by the petitioner, the Revenue Divisional Officer – 3rd respondent herein did not advert to any one of the contents of the explanation. However, since the appeal is pending before the appellate authority/ 2nd respondent, this Court is of the considered opinion that the ends of justice would be served if the stay application, dated 12.01.2017 is directed to be disposed of by

the 2nd respondent, in accordance with law, by fixing some time frame.

7. For the aforesaid reasons, this writ petition is disposed of, directing the 2nd respondent – Joint Collector to dispose of the stay application, dated 12.01.2017 filed by the petitioner herein along with the appeal against the order of suspension, dated 31.12.2016, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. In the meanwhile, status quo as on today shall be maintained with regard to the subject shop.

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

15.03.2017
SS

A.V.SESHA SAI, J

