

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

WRIT PETITION No.9704 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-3689-10/2016, 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 No.925121 of Nellore Town & Mandal, Sri Potti Sriramulu 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-3689-10/2016, dated 31.12.2016, suspending the authorization of the petitioner. Felt aggrieved by the said order of suspension, on 19.01.2017, the petitioner herein approached the appellate authority by way of filing appeal. Along with the appeal, the 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 19.01.2017, is directed to be disposed of by the 2nd respondent, in accordance with law, by fixing some time frame.

7. For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent – Joint Collector to dispose of the stay application, dated 19.01.2017, 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 writ petition shall stand closed in consequence. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

Date: 20.03.2017
AMD



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