

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.43773 of 2016

ORDER:

Heard Mr. D. Krishna Murthy for petitioner and learned Government Pleader for Civil Supplies for respondents.

2. Petitioner prays for Mandamus declaring the action of respondent No.2/appellate authority in not considering the appeal filed against order Rc.No.2756/2016-B dated 15.11.2016 passed by third respondent as illegal, arbitrary and unconstitutional.

3. The grievance of petitioner is two fold that the order dated 15.11.2016 *per se* is illegal and unsustainable, secondly, when appeal was filed against order dated 15.11.2016 on 03.12.2016, firstly, the second respondent ought to have taken up the stay petition and passed orders as are fit and proper in the circumstances of the case and secondly, dispose of the appeal at the earliest.

4. On 16.12.2016, this Court granted interim suspension of order dated 15.11.2016 till date.

5. I have perused the material available on record and *prima facie*, I am satisfied when the writ prayer is against inaction in considering and disposing of the appeal filed by petitioner, the writ petition can be disposed of by directing second respondent to pass orders on the stay petition as well as in the appeal filed by the petitioner. Hence, the following order:

1. The parties are directed to maintain status quo, as on today, in all respects for a period of four (4) weeks from today.
2. The second respondent is directed to consider and dispose of the stay petition filed by the petitioner against order dated 15.11.2016 within four (4) weeks from today.
3. The second respondent is further directed to hear and dispose of the appeal within eight (8) weeks from the date of receipt of copy of this order.

The writ petition is disposed of as indicated above. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 2, 2017
DSK



S. V. BHATT, J