

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4399 OF 2017

ORDER:

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

“to issue a Writ Order or Direction more particularly one in the nature WRIT of CERTIORARI Calling for the records pertaining to the order made in D.Dis.No.K6/12/2016 dated 24.03.2016 on the file of 2nd respondent and quash the same as illegal, arbitrary, violation of Principles of Natural Justice and consequently direct the respondents to continue the petitioner as FP Shop Dealer of Shop.No.19, Rangapuram Village, Narpala Mandal, Anantapuram District and to pass such other order or orders as this Honourable court may deem fit and proper in the interest of justice.”

2. Heard Sri Ganduri Nageswara Rao, learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents apart from perusing the material available on record.

3. An order passed by the Joint Collector & Additional District Magistrate, Anantapuram vide proceedings D.Dis.No.K6/12/206, dated 24.03.2016, under the A.P. State Public Distribution System Control Order, 2008 is under challenge in the present writ petition.

4. When the matter is called, a preliminary question to the maintainability of the writ petition is raised by the learned Government Pleader and he submitted that as against the order of the Joint Collector, a revision lies to the District Collector and

without availing the same, the petitioner filed the present writ petition.

5. In view of the availability of the said alternative remedy of revision, this Court is not inclined to entertain the present writ petition. A request is made by the learned counsel for the petitioner to permit the petitioner to avail the alternative remedy of revision to the District Collector under the Control Order, 2008.

6. For the aforesaid reasons, the Writ Petition is disposed of, giving liberty to the petitioner to avail the statutory remedy of revision before the District Collector under the Control Order, 2008 within a period of four (4) weeks from the date of receipt of a copy of this order and if the same is filed within the time stipulated so, the same shall be considered in accordance with law after giving notice and opportunity to the petitioner herein. There shall be no order as to costs.

7. Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

15.02.2017
AMD

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



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Date: 15.02.2017

AMD