

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10654 OF 2017

ORDER:

This writ petition filed under Article 226 of the Constitution of India assails the alleged action on the part of the respondents particularly, respondent No.2, in not passing any orders on the appeal filed by the petitioner against the order of cancellation of the authorization passed by the Revenue Divisional Officer, Kandukuru/respondent No.3 herein *vide* proceedings Rc.F/984/2015, dated 31.01.2017.

2. Heard Sri T.Niranjan, learned counsel for the petitioner, and the learned Government Pleader for Civil Supplies (A.P.) appearing for the respondents apart from perusing the material available on record.

3. The petitioner herein earlier filed W.P.No.8580 of 2015 before this Court questioning the order of cancellation of the authorization of the fair price shop of the petitioner passed by the Sub-Collector/R.D.O., Kandukuru/respondent No.3 herein *vide* proceedings Rc.F/984/2015, dated 17.03.2015. This Court, initially by way of an order, dated 10.07.2015, in W.P.M.P.No.11328 of 2015 in W.P.No.8580 of 2015, granted interim suspension. Subsequently, this Court, on 03.09.2015, allowed the said writ petition, setting aside the said order, dated 17.03.2015, and remanded the matter to respondent No.3 for conducting enquiry with regard to the residence of the petitioner and her distribution of commodities as fair price shop dealer taking into account the report submitted by the Village Revenue

Officer on 26.12.2014. Paragraph Nos.7 and 8 of the said order read as under:

“7. In view of the disputed facts, the third respondent should have gone into the report of the Village Revenue Officer and should not have relied on the report of the fourth respondent dated 27.12.2014. He should have conducted an enquiry with regard to the employment of the petitioner and her non-residence in the village. No such enquiry was conducted by the third respondent.

8. In the circumstances, the impugned order dated 17.03.2015 passed by the third respondent is set aside and the matter is remanded to the third respondent for conducting the enquiry with regard to the residence of the petitioner and her distribution of commodities as fair price shop dealer, taking into account the report submitted by the Village Revenue Officer on 26.12.2014.”

Subsequently, by way of an order, dated 31.01.2017, which is the subject matter of the present writ petition, the R.D.O. cancelled the authorization of the petitioner. As against the said order, on 16.02.2017, the petitioner filed an appeal before the District Collector (Civil Supplies), Prakasam District/respondent No.2 herein. Along with the said appeal, the petitioner herein also filed an application seeking stay of the order of cancellation passed by the R.D.O., dated 31.01.2017. Admittedly, the said appeal is pending consideration before respondent No.2. Since the appeal and the said application are pending consideration before respondent No.2, this Court is not inclined to go into the validity of the order of the R.D.O., dated 31.01.2017, and deems it appropriate to direct respondent No.2 to pass appropriate orders on the appeal, dated 16.02.2017, preferred by the petitioner

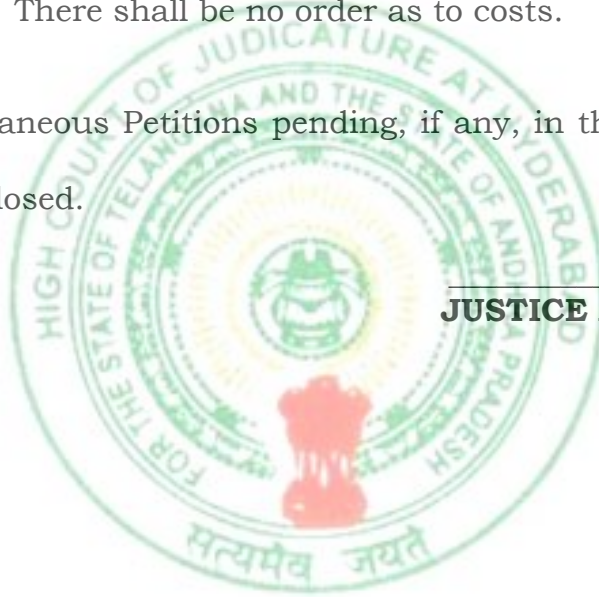
against the order of cancellation, dated 31.01.2017, passed by the R.D.O., within a time frame.

4. For the aforesaid reasons, the Writ Petition is disposed of, directing the District Collector (Civil Supplies), Prakasam District/respondent No.2 to pass appropriate orders on the appeal, dated 16.02.2017, filed by the petitioner against the order of cancellation, dated 31.01.2017, after giving notice and opportunity of hearing to the petitioner herein strictly in accordance with law within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.

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

24.03.2017
AMD

JUSTICE A.V.SESHA SAI



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.10654 OF 2017

Date: 24.03.2017

AMD