

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

WRIT PETITION No.7040 OF 2017

ORDER:

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

“to issue a writ order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in cancelling the authorization of the petitioner without re-examine the case by his proceedings D.Dis.No.D1CS/834/2016, dated: 29.07.2016 as confirmed by the 2nd respondent in Re.No.K6/562/2016, dated: 23.01.2017 is illegal, arbitrary and violation of principles of natural Justice and consequently set aside the same.”

2. Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies for the respondents.

3. The Revenue Divisional Officer, by way of an order vide proceedings D.Dis.No.D1CS/834/2016, dated 29.07.2016, cancelled the fair price shop authorization of the petitioner herein on certain charges. Questioning the validity of the said order, petitioner herein filed an appeal before the Joint Collector, Ananthapuramu – 2nd respondent herein. The Joint Collector – 2nd respondent herein, by way of an order bearing Rc.No.K6/562/2016, dated 23.01.2017, dismissed the said appeal, confirming the orders of cancellation passed by the Revenue Divisional Officer.

4. During the course of hearing, it is submitted by the learned Government Pleader that as against the orders impugned in the present writ petition, there is an alternative remedy for the petitioner herein to file a revision before the Collector and District Magistrate, Anantapuramu and without availing the said alternative remedy of revision, petitioner herein filed the present writ petition directly before this Court.

5. Though the petitioner herein raised a number of grounds for impugning the order of cancellation, this Court is not inclined to go into the said aspects in view of the availability of alternative remedy of revision to the petitioner herein under the Control Order, 2008 and this Court deems it appropriate to relegate the petitioner herein to avail the said alternative remedy.

6. For the aforesaid reasons, this writ petition is disposed of, keeping it open for the petitioner herein to file revision before the District Collector, Anantapuramu, within a period of two weeks from the date of receipt of a copy of this order. If the same is filed, the same be considered and appropriate orders be passed, in accordance with law, after giving notice and opportunity of hearing to the petitioner herein, within a period of two months thereafter.

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

A.V.SESHA SAI, J

01.03.2017
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