

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

WRIT PETITION No.7056 OF 2017

ORDER:

When the matter is called, a preliminary objection with regard to the maintainability of the writ petition is taken by the learned Government Pleader stating that if the petitioners are aggrieved by any action on the part of the respondents, they are at liberty to avail the alternative remedy of appeal before the Appellate Authority under Clause 20 of the Control Order, 2008. The said provision of law reads as under:

“20. Appeal:—

Fair Price Shops

- (1) Any person aggrieved by any order passed by the Disciplinary Authority viz. Tahsildar/ Assistant supply officer under sub Clause (4) of Clause 5 may within (7) days from the date of receipt by him/her, of such order appeal against such order, to appointing authority:*
- (2) Any person aggrieved by any order passed by the appointing authority under Clause 5 may within (30) thirty days from the date of receipt by him/her, of such order, appeal against such order, where it is passed by*
 - (i) The Revenue Divisional Officer or Sub-Collector or the District Supply Officer (City) having jurisdiction over the area in respect of the Visakhapatnam city, to the Collector (CS) in the District.*
 - (ii) To the Chief Rationing Officer in Hyderabad District.*

Nominated retailer/hawker

(iii) The District Supply Officer, in respect of Hyderabad, Visakhapatnam and Krishna and the Revenue Divisional Officer or Sub-Collector in respect of other districts in disposing of any appeal under this clause, the appellate authority may after giving the party an opportunity of making his/her representation, pass such order thereon as that authority may deem fit.

(3) Pending disposal of an appeal, the appellate authority may direct that the order appealed against shall not take effect until the appeal is disposed of.”

2. In view of the above provision, which provides for alternative remedy, this Court is not inclined to entertain the present writ petition. However, it is open for the petitioners herein to approach the appellate authority as pointed out by the learned Government Pleader, if they are advised to do so.

3. With the above observation, this writ petition is disposed of. 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
SS