

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.40218 OF 2017

ORDER

The petitioner was appointed as permanent fair price shop dealer for shop No.2 of Bhupathipalli Village, Markapuram Mandal, Prakasam District and since then, he is distributing the essential commodities to the cardholders in the village without any complaint. While so, on 15.6.2015, the 5th respondent and others inspected the said fair price shop and seized the available stocks without verifying the registers, under panchanama dated 15.6.2015. Based on the said report, the 4th respondent issued show cause notice dated 20.06.2015, for which, the petitioner submitted his explanation on 1.7.2015. Thereafter, the 4th respondent cancelled the authorization of the petitioner *vide* proceedings dated 3.7.2015. Challenging the same, the petitioner approached this Court by filing W.P.No.21260 of 2015 and the same was allowed on 10.07.2015 by directing the 4th respondent to give an opportunity of hearing and pass appropriate orders. Again the 4th respondent, without any reasons, *vide* proceedings dated 31.12.2015 cancelled the authorization of the petitioner. Aggrieved by the same, the petitioner filed W.P.No.2009 of

2016 and the same was allowed on 25.1.2016 by setting aside the proceedings dated 31.12.2015. Pursuant to the same, the 4th respondent again passed an order on 18.4.2016 cancelling the authorization of the petitioner. Challenging the same, the petitioner approached this Court by filing W.P.No.15813 of 2016 and the same was disposed of on 29.4.2016 directing the 3rd respondent to pass appropriate orders in the appeal filed by the petitioner and till such time, the order dated 18.4.2016 was suspended. Pursuant to the said order, the petitioner is distributing the essential commodities to the card holders. Thereafter, the 3rd respondent disposed of the appeal filed by the petitioner, and remanded the matter to the 4th respondent to pass orders afresh. In spite of the same, the 4th respondent again cancelled the authorization vide order dated 17.12.2016. Aggrieved by the same, the petitioner preferred an appeal along with stay application before the 3rd respondent on 21.12.2016. Since the 3rd respondent did not pass any orders on the stay application, he approached this Court by filing WP No.1606 of 2017 and the same was disposed of on 18.1.2017 by directing the 3rd respondent to pass orders on the stay application, till such time, the petitioner was permitted to continue as fair price shop dealer.

Aggrieved by the orders dated 17.12.2016 & 10.11.2017 passed by the 4th and 3rd respondents respectively, the petitioner preferred a revision petition along with stay application before the 2nd respondent on 21.11.2017 and so far no orders have been passed. Hence, the present writ petition is filed.

When the revision filed by the petitioner is pending before the revisional authority, this Court is not inclined to go into the merits of the case.

Since the petitioner is continuing as fair price shop dealer by virtue of the order dated 29.4.2016 passed by this Court in W.P.No.15813 of 2016, the 2nd respondent is directed to dispose of the revision within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the petitioner shall be continued as fair price shop dealer.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE A.RAJASHEKER REDDY

28th November, 2017
Rkk

Note: Issue CC by three days.