

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

WRIT PETITION NO.8284 OF 2017

ORDER:

Heard the learned counsel for the petitioner Sri K.Srinivas and learned Government Pleader for Civil Supplies (AP) for the respondents.

In the present Writ Petition, challenge is to the order passed by the Revenue Divisional Officer, Ananthapuram, 2nd respondent herein vide proceedings Rc.No.D1CS/774/2016 dated 8.11.2016.

According to the petitioner, he was appointed as a Fair Price Shop Dealer of Shop No.21, Kothapeta village of Ananthapur district and ever since the date of his appointment, he has been distributing the essential commodities to the card holders without any remarks whatsoever. On the basis of a report submitted by the 3rd respondent, Tahsildar, the 2nd respondent, Revenue Divisional Officer, issued a show cause notice on 13.4.2016 framing as many as two charges against the petitioner herein. Thereafter, the Revenue Divisional Officer, 2nd respondent herein, passed an order vide proceedings dated 8.10.2016 terminating the authorization of the petitioner herein. This Writ Petition challenges the validity

and the legal sustainability of the said order of termination passed by the 2nd respondent.

According to the learned counsel for the petitioner, the order impugned is highly arbitrary, illegal and is violative of principles of natural justice.

On the other hand, it is submitted by the learned Government Pleader that the very Writ Petition filed by the petitioner is not maintainable before this Court under Article 226 of the Constitution of India in view of the availability of alternative remedy of appeal before the Joint Collector of the district concerned.

Since the petitioner herein has the effective alternative remedy of appeal before the Joint Collector and as the appellate authority has got the power and is empowered to look into all the alleged irregularities pointed out against the petitioner herein, this Court is not inclined to entertain this Writ Petition. However, it is open for the petitioner herein to file statutory appeal before the Joint Collector raising all the contentions, within a period of two weeks from today and if any such appeal is filed within the time stipulated above, same be considered and appropriate orders be passed in accordance with law after giving opportunity of hearing to the petitioner herein.

With the above observations, Writ Petition stands disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI ,J

Date: 2.1.2018

KPM

