

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2279 OF 2018

DATED : 29.01.2018

Between :

Duddu Pothuraju S/o.Chandraiah,
Aged about 40 yrs, Hindu, Occu : FP Shop Dealer,
FP Shop No.21, Chimmiribanda Village,
Martur Mandal, Prakasam District, A.P.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Civil Supplies Department, AP Secretariat,
Velagapudi, Amaravathi, Guntur district,
Andhra Pradesh State & others.

.. Respondents



This court made the following :

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ORDER :

Petitioner was granted fair price shop dealership in Chimmiribanda Village, Martur mandal, Prakasam District. Alleging that petitioner has committed irregularities in running the fair price shop, action was initiated by framing charges and after conducting enquiry, the Revenue Divisional Officer, passed order on 29.06.2017 cancelling the dealership. Aggrieved thereby petitioner preferred appeal before the Collector. By the order dated 03.01.2018 the Collector (CS), Prakasam District, Ongole, sets aside the order of Revenue Divisional Officer and remanded the matter to the Revenue Divisional Officer directing him to undertake fresh exercise. Petitioner was also granted liberty to raise all contentions urged before the appellate authority. No further directions were issued on operation of dealership licence of the petitioner, pending consideration by the original authority. This writ petition is instituted praying to direct the respondents to restore dealership license pending finalisation of disciplinary action.

2. Heard learned counsel for the petitioner and learned Assistant Government pleader for Civil Supplies.

3. Learned counsel for the petitioner submits that ever since the order of suspension and subsequent order of cancellation, petitioner is not able to run the fair price shop; that his family is wholly dependent on earnings from fair price shop; and on account of closure of the same, great prejudice is caused and family is

unable to eke out a living. A false case is foisted on him. There is no guarantee that the proceedings would be concluded early. Therefore, seeks direction to renew license to operate pending decision on disciplinary action.

4. Learned Assistant Government Pleader, produced the letter of the Revenue Divisional Officer, Ongole, dated 27.01.2018 addressed to learned Government pleader, wherein it is informed that in pursuant to the orders of the Collector, date of fresh enquiry is fixed on 03.02.2018 and that enquiry would be completed within short period.

5. The record would disclose that earlier petitioner filed W.P.No.15775 of 2017 against suspension of dealership. This Court disposed of the writ petition by order dated 27.04.2017 directing the Revenue Divisional Officer to pass appropriate final order within a period of six weeks. After the cancellation of dealership licence by order dated 29.06.2017 petitioner filed W.P.No.27841 of 2017 directly before this Court, without availing the remedy of appeal. In view of the availability of alternative remedy of appeal, the Court was not inclined to entertain the said writ petition and disposed of the same granting liberty to prefer appeal. Petitioner filed W.P.No.29823 of 2017, this time alleging that no orders are passed on the stay application filed by him, by the appellate authority. The said writ petition was disposed of, by order dated 11.09.2017 directing the appellate authority to dispose of the stay application within a period of two weeks from the date of receipt of the order. However, appellate authority passed final order on 03.01.2018, as noted above.

6. On remand, matter is pending consideration of the issue afresh by the original authority. Thus, Court is not inclined to go into the merits of the contentions urged at this stage, as it would prejudice the matter pending before the Revenue Divisional Officer. Since the dealership licence was suspended in January, 2017, and was later cancelled on 29.06.2017, and though on appeal matter was remanded, no consequential relief was granted by the appellate authority, the court is not inclined to grant relief of restoration of dealership at this stage.

7. Having regard to the history of the litigation, this Court is of the opinion that ends of justice would serve, if time limit is fixed and adhered to by the parties for completing the proceedings expeditiously.

8. Thus, the Writ Petition is disposed of directing the Revenue Divisional Officer to complete the enquiry and pass final orders, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of copy of this order. Petitioner shall cooperate for early conclusion of the enquiry. If the petitioner does not cooperate, it is open to the Revenue Divisional Officer to take further course of action as required by law. For any reason not attributable to the petitioner for completion of enquiry and passing final orders, it is open to the petitioner to make an application before the District Collector, for restoration of dealership licence. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

29th January, 2018

Note :

Issue c.c. in two (2) days B/o. Rds