

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7347 of 2018

ORDER :

In this Writ Petition, proceedings dated 28.10.2016 of the 3rd respondent, cancelling the authorization of the petitioner to run shop No. 16, Shivapuram Village, Mydukur Mandal, Y.S.R. Kadapa District, is under challenge. Earlier, challenging the very said proceedings, the petitioner filed Writ Petition No. 46676 of 2016 which was disposed of by this Court on 17.01.2017, keeping it open to him to file an appeal before the 2nd respondent appellate authority within a period of one week from the date of receipt of a copy of that order and if such an appeal is filed, the 2nd respondent was directed to pass appropriate orders therein within four weeks thereafter. It was made clear that till such exercise attains finality, the respondent authorities should not make any permanent arrangements insofar as the subject fair price shop is concerned. It is stated, against the said order, the petitioner had filed an Appeal before the 2nd respondent Joint Collector.

Learned Government Pleader for Civil Supplies (Andhra Pradesh) has placed on record the written instructions received from the 2nd respondent Joint Collector. He submits that the petitioner has not disclosed the factum of filing the Appeal on 22.11.2016, when Writ Petition No. 46676 of 2016 was taken up for disposal on 17.01.2017.

Be that as it may, as on date, there is no dispute that the Appeal filed by the petitioner against the impugned order is pending. However, considering the fact that the 2nd respondent had already rejected the stay petition filed therein, on 06.02.2017,

interests of justice would be served if he is directed to dispose of the appeal within four weeks.

The Writ Petition is accordingly allowed to the extent of directing the 2nd respondent Joint Collector to consider the Appeal and pass orders on merits, after providing an opportunity of hearing to the petitioner/petitioner's counsel, within four weeks from the date of receipt of a copy of this order. It is also made clear that if the orders are not passed by the 2nd respondent in the Appeal within the stipulated time, the impugned order dated 28.10.2016 stands suspended and the petitioner's authorisation stands restored. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

13th March 2018

Issue CC forthwith
ksld

CHALLA KODANDA RAM, J

