

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

W.P.No.8399 OF 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies for the respondents.

The order of cancellation of fair price shop dealership passed by the Revenue Divisional Officer, Kurnool-3rd respondent, vide proceedings Rc.M.No.630/2017, dated.12-01-2018, is under challenge in the present writ petition.

According to the petitioner, he is a fair price shop dealer of shop bearing No.19 of Yemmiganur Town of Yemmiganur Mandal, Kurnool District. The 3rd respondent vide proceedings dated 12-01-2018 cancelled the authorization of the petitioner herein on the ground of certain alleged irregularities. Aggrieved by the said order of cancellation, the petitioner herein filed an appeal before the Joint Collector, Kurnool-2nd respondent herein on 24-01-2018. According to the learned counsel for the petitioner, no orders have been passed on the said appeal till date. It is further submitted by the learned counsel for the petitioner that the order impugned in the present writ petition is highly illegal, arbitrary and violative of Article 14 of the Constitution of India besides being opposed to the Andhra Pradesh State Public Distribution System (Control) Order, 2008.

On the other hand, it is submitted by the learned Government Pleader that since the appeal filed by the petitioner herein is pending before the 2nd respondent-appellate authority, the petitioner herein cannot maintain the present writ petition and he is entitled to pursue the appeal pending before the 2nd respondent-appellate authority.

Since the appeal filed by the petitioner herein is pending consideration before the 2nd respondent-appellate authority and keeping in view the nature of controversy involved in the present writ petition, this court deems it appropriate to dispose of the writ petition with a direction to the 2nd respondent to pass appropriate orders on the appeal, dated 24-01-2018, filed by the petitioner herein against the orders of cancellation passed by the 3rd respondent on 12-01-2018 within a period of six(6) weeks from the date of receipt of a copy of this order after giving notice and opportunity to the petitioner herein.

Accordingly, the writ petition stands disposed of. No costs. Miscellaneous Petitions pending, if any, shall stand closed.

Date: 27.03.2018
TSNR

A.V.SESHA SAI, J

