

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

WRIT PETITION No.13270 of 2018

ORDER:

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

The alleged inaction on the part of the Joint Collector, Prakasam District-second respondent herein, in passing orders on the stay application, said to have been filed by the petitioner herein along with the appeal against the proceedings in Rc.1/529/2018, dated 29.03.2018, passed by the Revenue Divisional Officer, Ongole-third respondent herein, is under challenge in the present Writ Petition.

The petitioner herein is a Fair Price shop dealer of shop No.0843034 of Maddulur village of S.N.Padu Mandal, Prakasam District. On certain allegations, the Revenue Divisional Officer, Ongole-third respondent herein, by way of an order, dated 29.03.2018, vide proceedings in Rc.1/529/2018, placed the petitioner under suspension. As against the said order, the petitioner herein filed an appeal before the second respondent herein on 05.04.2018 and along with the said appeal, she also filed an application for stay on the same day.

According to the learned counsel for the petitioner, the very order of suspension passed by the third respondent is highly illegal,

arbitrary and violative of Article 14 of the Constitution of India besides being opposed to the Control Order.

On the other hand, it is submitted bdy the learned Government Pleader that, having filed an appeal and the stay application before the second respondent, it is not open for the petitioner herein to approach this Court under Article 226 of the Constitution of India and that it is open for the petitioner to avail the alternative remedy.

Having heard the learned counsel for the petitioner and the learned Government Pleader, and in view of the facts and circumstances of the case, keeping in view the nature of controversy, this Court deems it appropriate to dispose of the Writ Petition with a direction to the Joint Collector, Prakasam District-second respondent herein to pass appropriate orders on the stay application, dated 05.04.2018, filed by the petitioner herein, along with the appeal within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions in this Writ Petition, if any, shall stand closed.

A.V.SESHA SAI,J

17th April, 2018

Note:

Furnish C.C. of the order by 20.04.2018.

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