

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40027 of 2018

Date:19.11.2018

Between:

K.Mallikarjuna Gowd,
S/o R.Hanumantharayappa,
Age:53 years, F.P.Shop Dealer Shop No.4,
R/o.Yenumuladoddi Village, Kundurpi Mandal,
Anantapur District.

.. Petitioner

AND

The State of A.P., Rep. by its Prl.Secretary
Civil Supplies Department, Secretariat,
Velagapudi, Amaravathi,
Guntur District and 3 others.

.. Respondents

The Court made the following:



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ORDER:

1. The Fair Price Shop dealership authorization of the petitioner was cancelled by the original authority by order dated 26.08.2017. Aggrieved thereby, the petitioner preferred Appeal before the Joint Collector/2nd respondent. Having noticed that the Revenue Divisional Officer had passed orders without conducting enquiry, the 2nd respondent remanded the matter for consideration afresh. Pursuant there of, the Revenue Divisional Officer conducted enquiry and passed orders on 31.08.2018 canceling the Fair Price Shop dealership authorization granted to the petitioner. Against the said order, the remedy of Appeal is available to the petitioner. Without availing the remedy of Appeal, this Writ Petition is filed.

2. Learned counsel for the petitioner contends that impugned order is passed without conducting enquiry.

3. *Prima facie*, reading of the order would show that enquiry was conducted on 27.08.2018 and on 28.08.2018 and cardholders were examined on that day. The contention of the petitioner that he was not present when the enquiry was conducted is a question of fact which requires verification.

4. Since the remedy of appeal to the Collector (Civil Supplies) is available and the petitioner can prefer an appeal

raising all the grounds as raised in the writ petition, this Court is not inclined to entertain the Writ Petition.

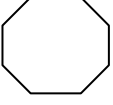
5. Accordingly, the Writ Petition is disposed of leaving it open to the petitioner to avail the remedy of Appeal by raising all the contentions available in law, including the contentions urged in the writ petition. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 19.11.2018
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