

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 40502 of 2018

Date : 12.11.2018

Between:

R V Ramudu S/o Venganna aged about 57 years Occ F P
Shop Dealer of Shop No 19 Thodendlapalli Village
Chagalamarri Mandal Kurnool District AP

Petitioner

And

The State of Andhra Pradesh
Rep by its Principal Secretary Consumer Affairs Food and
Civil Supplies Department A P Secretariat Velagapudi
Amaravathi Guntur District AP & others

Respondents

The Court made the following:



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ORAL ORDER:

By order dated 6.6.2018 fair price shop dealership authorization No. 1339019, Thodendlapalle village, Chagalamarri mandal, Kurnool district was cancelled. Aggrieved thereby, petitioner preferred appeal. The Appellate Authority passed orders dated 16.10.2018 rejecting the appeal. Aggrieved thereby, petitioner preferred revision and revision is stated to be pending. At this stage, present writ petition is filed.

2. According to learned counsel for petitioner, the order of Appellate Authority is liable to be set aside on the sole ground that it does not contain reasons in support of its decision. Though petitioner/appellant raised several grounds, none of the grounds are considered nor any valid reasons are assigned. At this stage, learned Government Pleader points out that as petitioner has already availed the remedy of revision, all these issues may be directed to be considered by the Revisional Authority. Though, in normal circumstances, this Court is inclined to accept the said stand of the learned Government Pleader to direct the Revisional Authority to pass orders, but having regard to fact that on the face of the order of the Appellate Authority, when it is clear that Appellate Authority has not assigned reasons in support of its decision as to why grounds raised by petitioner are not valid, Court is not inclined to relegate the petitioner to Revisional Authority and await decision by the Revisional Authority.

3. Reading of the order of the Appellate Authority would show that it has extracted seven grounds raised by the petitioner and after recording the grounds urged passed the order, which reads as under:

“When the case was called up for hearing
on 29.9.2018, the appeal petitioner was present

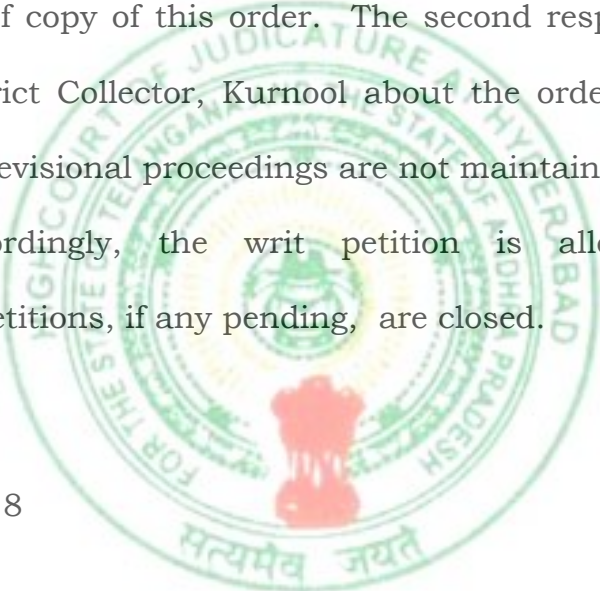
and requested to treat the grounds of appeal as arguments in this case.

Perused the entire records placed before me in this case. It is observed that the explanation offered by the appeal petitioner is not satisfactory. Hence, the orders passed by the Revenue Divisional Officer, Nandyal vide RDO-NDL-MIS/65/2017 dt 31.10.2017 is hereby confirmed.”

4. Thus, no reasons are assigned in support of the decision made by the Appellate Authority. Therefore, the order in appeal dated 16.10.2018 is set aside and the matter is remitted to the District Collector (CS)/second respondent for fresh consideration of the grounds and pass appropriate orders duly assigning reasons in support of its decision expeditiously, preferably within a period of six weeks from the date of receipt of copy of this order. The second respondent shall also inform the District Collector, Kurnool about the orders passed by this Court and that revisional proceedings are not maintainable.

5. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions, if any pending, are closed.

DATE:12-11-2018
TVK

P NAVEEN RAO,J

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