

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.42372 OF 2018

Date: 26.11.2018

Between:

Shaik Mastan Vali s/o. Late Mastan, Aged about 58 years,
Occu: Fair Price Shop Dealer, Shop No.10, D.No.12-12-127,
Macherla Town, Macherla, Guntur district.

.....Petitioner

and

The Joint Collector and Additional District, Magistrate,
Guntur, Guntur District and others.

.....Respondents



The Court made the following:

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ORDER:

This writ petition is filed challenging the order of suspension of fair price shop authorization granted in favour of petitioner by the Joint Collector vide his proceedings dated 30.10.2018. Though petitioner availed remedy of appeal, acknowledged by the competent authority on 12.11.2018, instituted this writ petition challenging the very same order by placing reliance on the decision of learned single Judge of this Court in *Merajoth Chandra Naik v. The Revenue Divisional Officer, Gurazala Revenue Division, Gurazala, Guntur District* (WP No.38211 of 2017).

2. Learned counsel for petitioner contend that having issued notice and called for explanation and petitioner filed his explanation, the Joint Collector ought to have passed final orders in stead of placing the petitioner's authorization under suspension. According to learned counsel, on 26.10.2018, the Revenue Divisional Officer issued show-cause notice. In response, petitioner filed his explanation and thereafter order impugned was passed.

3. As per the A.P.State Public Distribution System (Control) Order 2008, the Joint Collector is competent to deal with the allegations against the fair price shop dealers and is competent to place fair price shop authorization under suspension pending enquiry into the allegations. The Revenue Divisional Officer is not competent to exercise such power.

4. Apparently from the reading of the order impugned, there is no reference to the notice issued by the Revenue Divisional Officer on the explanation offered by petitioner, but independently the Joint Collector has passed orders in exercise of power vested in him under clause 8(4) of the Control Order. Power to suspend by the Joint Collector is not in dispute. The Joint Collector has not issued show-cause notice calling for explanation. Therefore, the decision relied by the learned counsel for petitioner has no application to the facts of this case.

5. Since petitioner has already availed remedy of appeal, Court is not inclined to entertain the writ petition. Leaving it open to the competent authority to pass orders on consideration of appeal preferred by petitioner, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

Date: 26.11.2018
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JUSTICE P.NAVEEN RAO

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