

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2214 OF 2019

O R D E R:

This Writ Petition is filed questioning the inaction on the part of the 2nd respondent - Joint Collector in considering the stay petition filed along with the Appeal on 29.01.2019 against the order of the 3rd respondent – Revenue Divisional Officer, dated 29.12.2018, where under the authorisation of the petitioner fair price shop at M.V.Palem Village, Khammam Rural Mandal was suspended.

It is submitted across the Bar that in similar facts and circumstances, this Court while dealing with Writ Petition No. 18205 of 2016, passed order dated 09.06.2016, essence of which reads as under:

“The Writ Petition is disposed of directing the 2nd respondent – Joint Collector to dispose of the Appeal itself in a time bound manner. As the right of Appeal being a statutory right and in view of the judgment of this Court in **Anab-E-Shahi Wines case** (1 supra), I deem it appropriate to grant stay of the order dated 25.05.2016 of the 3rd respondent – Revenue Divisional Officer, Markapuram, pending disposal of the Appeal or stay petition whichever is earlier by the 2nd respondent. The 2nd respondent shall dispose of the Appeal stated to have filed on 28.05.2016 by the petitioner, within a period of six weeks from the date of receipt of a copy of this order.”

In **Anab-E-Shahi Wines v. Deputy Commissioner** {(1995) 98 STC 386(AP)}, this Court had taken a view that it would be unreasonable if stay is not granted when the Appeal is pending before the authorities.

In view of the said precedent and also in view of the order dated 09.06.2016 in Writ Petition No. 18205 of 2016, this Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the Appeal of the petitioner, dated 29.01.2019 within a period of six weeks from the date of receipt of a copy of this order. Till disposal of the Appeal or Stay Petition whichever is earlier, the order of the 3rd respondent dated 29.12.2018 is stayed. No costs.

The miscellaneous Applications, if any pending in this Writ Petition shall also stand disposed of.

CHALLA KODANDA RAM, J

22nd February 2019

Issue CC by 26.02.2019.
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