

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5809 OF 2019

ORDER:

This writ petition is filed challenging the order dated 24.02.2019, passed by the 3rd respondent canceling the petitioner's authorization to distribute the essential commodities.

It is the case of the petitioner that he has filed an appeal on 28.02.2019 along with stay petition against the order dated 24.02.2019 before the 2nd respondent, but the 2nd respondent neither passed orders in the main appeal nor in the stay petition.

It is now well settled by the judgment of this Court in **Anab-E-Shahi Wines and another vs. Deputy Commissioner**¹ that it would be unreasonable if stay is not granted when the appeal is pending before the lower authorities, which is consequently followed in a large number of cases.

In view of the above, 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 (supra), I deem it appropriate to grant stay of the order dated 24.02.2019

¹ (1995) 98 STC 386 (AP)

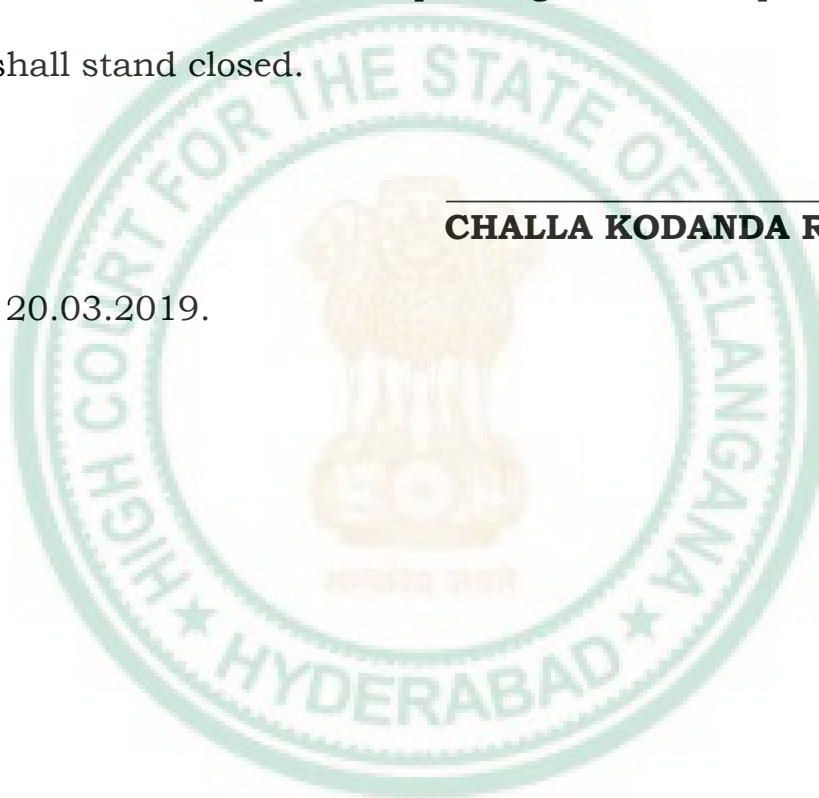
of the 3rd respondent-the Revenue Divisional Officer, Khammam District, Khammam, pending disposal of appeal or stay petition whichever is earlier by the 2nd respondent. The 2nd respondent shall dispose of the appeal, stated to have filed on 28.02.2019 by the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

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

CHALLA KODANDA RAM, J

Date: 20.03.2019.

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Dated : 20.03.2019

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