

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE D.S.R.VARMA**

**WRIT PETITION NO : 3707 of 2005**

Between:

Lella Ratna Reddy S/o Narapa Reddy  
Korisapadu Village and Mandal, Prakasam District

**..... PETITIONER**

AND

- 1 The Joint Collector, Prakasam District, Ongole
- 2 The Revenue Divisional Officer, Ongole, Prakasam District
- 3 The Mandal Revenue Officer, Korisapadu (V), Korisapadu Mandal, Prakasam District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that the order of the Revenue Divisional Officer, Ongole in Rc. No. 1908/2004, dt 10-2-2005 suspending the F.P. Shop dealership of the petitioner as illegal, arbitrary, unjust and opposed to provisions of A.P. State Public distribution system control order, 2001 and further issue a Writ order or direction more particularly one in the nature of Mandamus directing the respondents that the petitioner is entitled to function as the Fair Price shop Dealer of Korisapadu Vilage, Korisapadu Mandal, Prakasam District, pending disposal of the appeal filed by the petitioner before the Joint Collector, Prakasam District, Ongole, 1st respondent herein and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.I.GOPAL REDDY**

**Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES**

**The Court at the admission stage made the following :**

**ORAL ORDER:**

Heard the learned counsel for the petitioner. Perused the material placed before me.

The suspension of the authorisation of the petitioner as fair price shop dealer, pending enquiry, is under challenge in this writ petition.

It is the grievance of the petitioner that on certain alleged but unfounded allegations, the authorisation of the petitioner was suspended on 10-2-2005 by the competent authority. A perusal of the said order passed by the competent authority reveals several charges. However, this Court is not proposing to go into those charges for the simple reason that the said order of suspension had been under challenge before the appellate authority under Clause 20 of the Control Order 2001.

Now the petitioner alleges that the appellate authority had not passed any order on the interim application filed by him for stay of all further proceedings in the order passed by the RDO.

It is to be seen that the petitioner had preferred the statutory appeal before the appellate authority on 22.2.2005. Therefore, it is for the petitioner to urge and persuade the appellate authority to pass appropriate interim orders or any other orders pending decision in the appeal.

However, it is needless to mention that the appellate authority is expected to react on the appeal filed by the petitioner and pass appropriate interim orders or dispose of the appeal itself as it deemed fit.

Hence, in view of the fact that an appeal had already been filed by the petitioner just two weeks back, this Court cannot exercise its writ jurisdiction under 226 of The Constitution of India.

Accordingly, the writ petition is dismissed at the stage of admission.  
No costs.

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*kvsn 28-02-2005*

*To*

- 1 The Joint Collector, Prakasam District, Ongole
- 2 The Revenue Divisional Officer, Ongole, Prakasam District
- 3 The Mandal Revenue Officer, Korisapadu (V), Korisapadu Mandal, Prakasam District
- 4 Two copies to the GP for Civil Supplies, High Court buildings, Hyderabad.
- 5 Two CD copies.