

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**WRIT PETITION No.37083 of 2012**

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**Dated: 30.11.2012**

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**Between:**

S. Rajellaiah.

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.....Petitioner

And

The State of A.P., rep. by its Principal Secretary,  
Revenue Department (Civil Supplies) & others.

.....Respondents

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**WRIT PETITION No.37083 of 2012**

**ORDER :**

This writ petition is filed seeking directions by way of Mandamus, to declare the action of respondent No.2 in not disposing of the appeal filed by the petitioner as illegal, and also to set aside the order dated 09.10.2012, passed by the 3<sup>rd</sup> respondent in proceedings No.F/1354/2012, by which, the authorization of petitioner is cancelled.

Petitioner is authorized fair price shop dealer for distribution of essential commodities for Shop No.3407 of Muskanpet village of Ellanthakunta Mandal in Karimnagar District. Earlier, when the authorization of petitioner was suspended, he approached this Court by filing W.P.No.17259 of 2012, and this Court by order dated 13.06.2012, disposed of the writ petition, directing the respondents to complete the inquiry by giving reasonable opportunity to the petitioner and also suspended the order of suspension during the pendency of proceedings.

It is the case of the petitioner that thereafter, the impugned order of cancellation is passed on 09.10.2012 in Proceedings No. F/1354/2012. It is stated that as against the said order of cancellation, he preferred an appeal before the 2<sup>nd</sup> respondent-Joint Collector on 19.10.2012 along with an application for interim orders. In this writ petition, it is the grievance of the petitioner that the primary authority has passed orders of cancellation without giving any opportunity and the appellate authority is not disposing of the appeal and the application for interim orders.

Under the scheme of the A.P.Public Distribution System (Control) Order, 2008, there is a provision for appeal against the orders of the primary authority, and when the petitioner has preferred such appeal along with an application for interim orders as early as on 19.10.2012, there is no reason for not disposing of the same within reasonable time. In any event, the validity of the order dated 09.10.2012, passed by the primary authority, is to be examined by the appellate authority, and in view of pendency of appeal before such authority, it is not desirable for

this Court to record any finding on merits in this writ petition. As it is submitted by the learned counsel for petitioner that the respondents are taking steps to appoint a third party dealer in his place, I deem it appropriate to dispose of the writ petition with a direction to the 2<sup>nd</sup> respondent to dispose of the appeal preferred by the petitioner against the order dated 09.10.2012, passed in Proceedings No.F/1354/2012, within a period of six weeks from the date of receipt of this order, and till such appeal is disposed of, no other person shall be appointed in the place of petitioner.

Subject to the above directions, the writ petition is disposed of. No costs.

As a sequel, WPMP.No.47051 of 2012 stands closed.

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**R. SUBHASH REDDY, J**

30<sup>th</sup> November 2012

ajr