(1997) 11 AP CK 0073

In the Andhra Pradesh High Court

Case No : Writ Petition No. 19677 of 1997

Katta Latha APPELLANT

Vs

District Collector and Others RESPONDENT

Date of Decision : 06-11-1997

Acts Referred:

Citation : (1997) 6 ALD 710 : (1998) 1 ALT 284

Hon'ble Judges : D. Reddeppa Reddi, J

Bench : Single Bench

Advocate : Prattipati Venkateswarlu, for the Appellant; G.P. for Civil Supplies, for the Respondent

Final Decision : Allowed

Judgement

D. Reddeppa Reddi, J.—The only point for consideration in this writ petition is whether a revision would lie to Collector under Clause 18 of the Andhra Pradesh Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973 (for short ''the order'') against the order passed by the Joint Collector under Clause 17 (1) (i) of the Order. For proper appreciation of the point at issue, it would be profitable to extract Clauses 17 and 18 of the Order. They read as under.

" 17. Appeal:

(1) Any person aggrieved by any Order passed by the appointing authority under C1.3 may, within thirty days from the date of receipt by him/her of such order, appeal against such order, where it is passed by-

(i) the Revenue Divisional Officer or the Sub-Collector (or the Joint Collector in the Districts) (sic.) or the District Supply Officer (City) having jurisdiction over the area in respect of the Visakhapatnam . City (Inserted by G.O.Ms. No. S-92 F &A (CS-II) dt. 17th September, 1990 with effect from 22-9-1990) (sic. to the Joint Collector in the Districts);

(ii) the District Supply Officer having jurisdiction over the areas in respect of

Hyderabad District to the Chief Rationing Officer in Hyderabad District.

In disposing of any appeal under this clause, the appellate authority may, after giving the party an opportunity of making his representation, pass such order thereon as that authority may deem fit.

(2) Pending disposal of an appeal, the appellate authority may direct that the order appealed against shall not take effect until the appeal is disposed of.

18. Revision :-

(1) Any person aggrieved by an order under Clause 17 (1) (i) may, within thirty days from the date of communication to him/her of such an order prefer a revision to the District Collector concerned.

(2) Any person aggrieved by an order under Clause 17 (1) (ii) may within thirty days from the date of communication to him/her of such an order prefer a revision to the Commissioner of Civil Supplies, Andhra Pradesh, Hyderabad.

Provided that no orders shall be passed under this clause unless the aggrieved person has been given a reasonable opportunity of representing his/her case.

(3) Pending disposal of the revision, the District Collector in the Districts and the Commissioner of Civil Supplies in respect of Hyderabad district may direct that the order under revision shall not have effect until the revision is disposed of."

2. It is clear from a plain reading of Clause 18 of the Order that a revision would lie to the Collector only against the order passed under Clause 17 (1) (i) of the Order. It is significant to note that there is no reference whatsoever to Clause 17(2) in Clause 18 of the Order. In the case on hand, there is no dispute that the fourth respondent, namely, Smt. L. Subbulu filed a revision before the first respondent, namely, the District Collector, Prakasham District, Ongole, A.P. against the order of the 2nd respondent viz., Joint Collector, Prakasham District, Ongole passed under Clause 17 (2) of the Order. In the circuTrTsfances, there should be no hesitation to hold that the first respondent has no jurisdiction to entertain the revision filed by the fourth respondent herein. Therefore, the Writ Petition must succeed. It is, accordingly, allowed. However, having regard to the facts and circumstances of the case, the second respondent, namely, the Joint Collector, Prakasham District, Ongole, is directed to dispose of the appeal filed by the petitioner against the order of the third respondent, namely, the Revenue Divisional Officer, Prakasham District, Ongole in R.C.No. 3452/93 dt. 29-6-1997 positively by 31-12-1997. No costs.

