

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.4278 of 2015

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ORDER:

Heard Sri K.Narsi Reddy, learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. The petitioner is the fair price shop dealer of shop No.11 of Y.Kothapalli Village, Simhadripuram Manal, YSR Kadapa District. On 20.10.2014 and 01.11.2014, a show cause notice was issued to him making certain general allegations basing on the report submitted by the 5th respondent and simultaneously, his authorisation was suspended by impugned order dated 22.01.2015. The petitioner submitted an explanation to the show cause notice on 22.11.2014. So far no enquiry has been initiated against the petitioner. According to the petitioner, he is having licence in force up to 31.03.2016.

3. Learned counsel appearing for the petitioner submits that in spite of submitting the explanation by the petitioner, the 4th respondent has not passed any order completing the enquiry and the suspension of the authorisation is still continued.

4. A Division Bench of this Court in WAMP No.343 of 2015 in WA No.118 of 2015 specifically held that this Court has no jurisdiction at the first instance to substitute its opinion or decision in the place of opinion of the authority under the Essential Commodities Act, 1955. As an interim measure, an order of suspension has been issued. The Statute provides power to issue suspension order, pending final decision in the enquiry.

5. In view of the order passed by the Division Bench of this Court, I am not inclined to examine the case at this stage.

Consequently, the writ petition is disposed of directing the 4th respondent-Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District, to complete the enquiry against the petitioner and pass final orders, within a period of six (6) weeks from the date of receipt of a copy of this order. If the enquiry is not concluded and final order has not been passed within the period stipulated above, the suspension order shall stand revoked. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand dismissed in consequence.

R.KANTHA RAO, J

Date: 25.02.2015
Note:
Furnish CC by 02.03.2015.
(B/o)
BSS

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URGENT

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