

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.2274 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 4.

This Writ Petition is filed seeking to declare the action of the 3rd respondent in suspending the authorization of the petitioner, as arbitrary and illegal.

The authorization of the petitioner was suspended on 25.11.2014 by the 3rd respondent on the ground that excess stock was found at the time of inspection. On 2.12.2014, show cause notice was issued to the petitioner, for which, he submitted his explanation. No final orders have been passed so far. The petitioner preferred an appeal before the Joint Collector against the order of suspension and the same is pending.

Obviously, the authorization of the petitioner was suspended for an indefinite period, which is unsustainable in law. The suspension of authorization can be only for a definite period not exceeding 90 days. Within the stipulated period, the respondents have to conduct enquiry and pass final orders. In the instant case, so far, no enquiry has been initiated against the petitioner.

In the circumstances, the impugned order dated 25.11.2014 is suspended pending disposal of the appeal before the Joint Collector and the Joint Collector is directed to dispose of the appeal within a period of two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE R. KANTHA RAO

19th February, 2015
rkk

