

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.5826 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

2. This writ petition is filed seeking writ of Mandamus declaring the action of the 2nd respondent in suspending the authorisation of the petitioner's F.P. Shop dealership of Shop No.29, Imampuram Village, Guntakal Mandal, Ananthapuram District, as illegal and arbitrary.

3. On certain allegations that the petitioner did not supply the kerosene oil to the cardholders for the month of November,2014, a show cause notice was issued to the petitioner and after receiving his explanation, the authorisation of the petitioner was suspended. Learned counsel appearing for the petitioner submits that the petitioner is a physically handicapped person and he has not resorted to any irregularities. On the other hand, learned Government Pleader for Civil Supplies would submits that in view of the judgment of the Division Bench, this Court is not supposed to interfere with the orders of suspension pending enquiry.

4. In any event, it is only an order of suspension pending enquiry. 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. Further held that as an interim measure, an order of suspension has been issued, as 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 2nd respondent-Revenue Divisional Officer, Ananthapuram, to complete the enquiry and pass final orders, within a period of two (2) months 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: 09.03.2015

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