

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL Nos.508, 513 and 514 of 2015

Dt:23.06.2015

Between:

The State of Andhra Pradesh,
Rep.by the District Collector and others.

... Appellants

And

Ch.Suryanarayana.

... Respondent

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL Nos.508, 513 and 514 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

These writ appeals are directed against the common order, dated 15.04.2015, passed in three writ petitions, bearing Nos.4739, 4797 and 4818 of 2015.

Since the issue involved in the writ petitions was covered by the common order, dated 04.03.2015, in W.P.No.1008 of 2015 and Batch, learned Judge by the impugned order, disposed of the above writ petitions also in terms of the said order and as a consequence thereof, the suspension orders passed against the petitioners, i.e. the respondents in the instant appeals, who are the fair price shop dealers, were revoked.

The order, dated 04.03.2015, passed in the batch of writ petitions was carried in appeal. One of the appeals arising from W.P.No.1008 of 2015 is W.A.No.323 of 2015. The writ appeal was allowed by the Division Bench. The relevant portion of the order allowing the writ appeal and setting aside the order, dated 04.03.2015, reads thus:

“It appears from the record that the order impugned before the learned Single Judge was passed for taking an interim measure pending detailed enquiry. In the said impugned order prima facie strong allegation for enquiry has been recorded. However, from the counter-affidavit it is not clear whether detailed enquiry has been completed, as

required under law.

In any view of the matter, we feel that the writ Court should not have interfered with this sort of interim measure taken by the Department. At the same time, the appellants' authority cannot keep the authorization of dealership of the writ petitioner in suspension indefinitely. We therefore set aside the order of the learned Single Judge and also the observations made therein, and direct the appellants to complete the detailed enquiry under the law within a period of one month from the date of receipt of a copy of this order. This shall be done independently without being influenced and swayed by the observations and the decision of the learned Single Judge. For this purpose the writ petitioner/respondent shall be served with a notice and after giving an opportunity of hearing, speaking orders shall be passed. If the enquiry is not completed within the time stipulated above, the order of suspension will stand revoked and the petitioner shall be allowed to resume her dealership, pending enquiry. In the event, in spite of notice the petitioner fails to cooperate, it would be open for the appellants to proceed with the enquiry in her absence."

In view of this order, learned Government Pleader for Civil Supplies appearing for the appellants prayed for disposal of the instant appeals in terms of the order, dated 23.04.2014, passed in W.A.No.323 of 2015. Learned counsel appearing for the respondents has no objection for passing such order. However, he submits that directions may be given to complete the enquiry within timeframe.

From perusal of the order, dated 23.04.2015, it is clear that one month time was granted for completing the detailed enquiry and we are informed that the enquiry was completed within the stipulated time.

In view thereof, we are satisfied that these writ appeals can also be disposed of by the following order:

"The writ appeals are disposed of in terms of the order, dated 23.04.2015, passed in W.A.No.323 of 2015 arising from the order, dated 04.03.2015 in W.P.No.1008 of 2015. The concerned

authority/appellant is directed to complete the detailed enquiry under the law within a period of one month from the date of receipt of this order. Learned Government Pleader for Civil Supplies is directed to communicate this order to the concerned appellant within a period of two weeks from today.”

With these observations, the writ appeals are disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:23.06.2015
kdl