

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No. 323 OF 2015

DATE: 23.04.2015

-

Between:

The State of A.P., rep., by its Principal Secretary,
Consumer Affairs, Food & Civil Supplies Department,
Hyderabad & others.

... Appellants

And

Smt.K.Balquees Banu.

... Respondent

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No. 323 of 2015

-

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

Learned counsel for the writ petitioner/respondent has understood the implication of the order proposed to be passed by this Court in this matter and he has given his consent.

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.

The appeal is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 23.04.2015

GJ