

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.4191 of 2015

ORDER:

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

2. The petitioner is a F.P. shop dealer of Bramahanapalli Village, Puttaparthi Mandal, Anantapuramu District, since 24.08.1987 and his authorisation also renewed from time to time and is valid till 31.03.2015. According to the petitioner, due to recent change of the Government, at the instance of the local ruling party leaders, the 2nd and 3rd respondents are pressuring him to withdraw from the dealership by submitting resignation. When the petitioner failed to yield to their pressure, the 3rd respondent has not released the stocks in the month of august, 2014. Thereafter, the petitioner filed WP No.28641 of 2014 and this Court by order dated 23.09.2014 directed the 2nd and 3rd respondents to supply the stocks to the petitioner as long as his authorisation is valid and subsisting. While so, the 2nd respondent issued suspension cum show cause notice dated 12.02.2015 suspending the authorisation basing on the report of the 3rd respondent and called for the explanation of the petitioner.

3. Learned counsel appearing for the petitioner submits that since it is not mentioned in the suspension order that any enquiry is proposed to be conducted the order is a final order. I do not agree with the contention of the learned counsel appearing for the petitioner. It is specifically mentioned in the suspension order that an enquiry as contemplated under the relevant Control Order is proposed.

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 reasons for suspension at this stage. Consequently, the writ petition is disposed of directing the 2nd respondent-Revenue Divisional Officer, Kadiri Division, Anantapuramu 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: 25.02.2014

BSS

HON'BLE SRI JUSTICE R.KANTHA RAO

-

-

-

-

-

-

Date: 25.02.2015

BSS