

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.3708 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 for Shop No.51 of Cherlopalli H/o Peddoddi Village, Gooty Mandal, Anantapuramu District. The shop of the petitioner was inspected by the authorities concerned and found certain variations in the stock. Thereafter, the explanation of the petitioner was called for and pending consideration thereof, the authorisation of the petitioner was suspended.

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 or 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 was contemplated under the relevant Control Order.

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 and 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, Anantapuramu, to complete the enquiry 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

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