

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.5683 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 4th respondent in passing orders dated 27.01.2015 by suspending the authorisation of the petitioner's F.P. Shop dealership of Shop No.23 of Kalugodu Village, Gummagatta Mandal, Ananthapuram District, as illegal and arbitrary.

3. On noticing certain irregularities allegedly committed by the petitioner, who is the Fair Price shop dealer, after issuing notice and after receiving the explanation from the petitioner, the authorisation of the petitioner was suspended on 27.01.2015 by the 4th respondent. Learned counsel appearing for the petitioner submits that the variations between stock register balance and ground balance are marginal and the 4th respondent ought not to have resorted to suspend the authorisation of the petitioner. On the other hand, learned Government Pleader for Civil Supplies would submit 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. 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, this Court is not inclined to interfere with the order of suspension at this stage. Consequently, the writ petition is disposed of directing the 4th respondent-Revenue Divisional Officer, Kalyanadurg, Ananthapuram District, 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, failing which the authorisation 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: 09.03.2014

Note: Furnish CC in three days

(BO)

BSS

HON'BLE SRI JUSTICE R.KANTHA RAO

URGENT

-

-

-

25

-

-

WRIT PETITION No.5683 of 2015

Date: 09.03.2015

BSS