

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.4284 of 2015

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ORDER:

Heard Sri K.Venu Madhav, learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

2. The petitioner is the fair price shop dealer of shop No.1404 of Kamalapur Village and Mandal of Karimnagar District. On 13.01.2015, the 2nd respondent issued a show cause notice to him making certain general allegations basing on the report submitted by the 3rd respondent and it was served on him on 04.02.2015. The 2nd respondent serving the show cause notice dated 13.01.2015 on 04.02.2015 and having received the explanation from the petitioner on 16.02.2015, without assigning any reasons and without looking into the real factors, passed suspension order and served the same on the petitioner on 19.02.2015, putting a date as 02.02.2015, saying that within seven days, the petitioner has not submitted explanation.

3. Learned counsel appearing for the petitioner submits that in spite of submitting the explanation by the petitioner, the 2nd respondent has not passed any order completing the enquiry and the suspension of the authorisation is still continued.

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 merits of the case at this stage. Consequently, the writ petition is disposed of directing the 2nd respondent-Revenue Divisional Officer, Karimnagar Division, Karimnagar 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: 25.02.2015
Note:
Furnish CC in three days.
(B/o)
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URGENT

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Date: 25.02.2015

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