

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

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**WRIT PETITION No.22561 OF 2015 & SUO MOTU CONTEMPT
CASE No.1426 OF 2015**

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Between:

Muthuvelu

.. Petitioner

And

The State of A.P.,
Rep. by its Principal Secretary, Civil Supplies Department, Secretariat,
Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 18-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.22561 of 2015

and

SUO MOTU CONTEMPT CASE No.1426 of 2015

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ORDER:

This Writ Petition was filed challenging the action of the third respondent in suspending the authorisation of the petitioner by proceedings dated 31.03.2015. Challenging the said order, the petitioner earlier filed W.P.No.11317 of 2015. This Court, by order dated 20.04.2015, declined to interfere with the order of suspension but, however, directed the third respondent to conduct an enquiry against the petitioner and pass final orders within a period of eight weeks. Instead of complying with the said order, the fourth respondent issued an endorsement dated 19.06.2015. The present Writ Petition is filed by the petitioner stating that, in spite of his representation dated 09.06.2015, respondent Nos.3 and 4, instead of implementing the orders of this Court, made arrangements for supply of commodities implementing the orders of the District Collector dated 19.03.2015. In those circumstances, this Court directed the Registry to take suo motu contempt proceedings, and the contempt case is also listed for hearing.

In response to the contempt notice, the third respondent did not appear and filed a petition seeking to dispense with his presence on the ground that he is pre-occupied with the Hon'ble Chief Minister's visit in Chittoor District. The fourth respondent is present in Court. However, the third respondent filed a counter but, in the counter also, he did not disclose with regard to passing of an order on 12.08.2015 cancelling the authorization of the petitioner. Since the impugned order dated 31.03.2015 merged with the order of cancellation of authorization dated 12.08.2015, the

Writ Petition has become infructuous and is, accordingly, dismissed. However, liberty is granted to the petitioner to take appropriate proceedings, in accordance with law, against the order of cancellation of authorization dated 12.08.2015.

When a notice is issued by this Court in suo motu contempt proceedings, the third respondent should have exercised proper discretion and appeared before this Court but, instead, chose to file a petition to dispense with his presence on the ground that the Hon'ble Chief Minister is visiting the place. This type of attitude of the third respondent is not appreciable. The fourth respondent also should have seen that an order of suspension was passed on 31.03.2015 but the District Collector passed order dated 19.03.2015, even before the order of suspension was passed by the third respondent. In the said circumstances, the fourth respondent ought not to have informed the petitioner about the implementation of the orders of the District Collector dated 19.03.2015 pursuant to seizure of stock in respect of which 6A proceedings were initiated and should have been careful in referring to the orders of the third respondent suspending the authorization of the petitioner on 31.03.2015. However, by the date of issuance of endorsement dated 19.06.2015, the authorization of the petitioner was suspended, and this Court declined to interfere with the same.

In the circumstances, the Contempt Case is closed, and respondent Nos.3 and 4 are directed to be careful in future with regard to judicial matters and interpretation of the orders.

Miscellaneous petitions, if any, pending in the writ petition shall stand dismissed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:18.08.2015
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