

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.4196 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 Shop No.27 of Upparapalem Village, Elapadu Mandal, Guntur District. While so on 14.08.2014, the 3rd respondent inspected his shop and conducted verification of stocks. The 3rd respondent alleged that the petitioner has not been maintaining the name board, stock board and records of the fair price shop properly and booked a case under Section 6-A of the Essential Commodities Act, 1955 and submitted a report to the 2nd respondent. Basing on the report of the 3rd respondent, the 2nd respondent issued show cause notice dated 25.08.2014 and also issued simultaneous proceedings by suspending the authorisation of the petitioner pending enquiry. The petitioner submitted his explanation on 01.09.2014 but the 2nd respondent has not passed any order even though the statutory period of 90 days expired. The petitioner submitted another representation on 31.01.2015 to the 2nd respondent but till date no response is forthcoming from the 2nd respondent. Hence, he filed the present writ petition.

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 since 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, Narsaraopet, Guntur 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

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Date: 25.02.2015

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