

HON'BLE SRI JUSTICE R.KANTHA RAO

WRIT PETITION No.5133 of 2015

ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

2. The petitioner is a Fair Price shop dealer for Shop No.20 of Medavada Village, S.R.Puram Mandal, Chittoor District. Basing on the report of the 4th respondent that the petitioner has committed certain irregularities in distributing the commodities, the 3rd respondent passed an order of suspension.

3. Learned counsel appearing for the petitioner submits that the allegations are *prima-facie* false and on being influenced by the opposite parties, the 3rd Respondent-Revenue Divisional Officer, Chittoor, passed the impugned order. 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.

3. 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. Further held that as an interim measure, an order of suspension has been issued and the Statute provides power to issue suspension order, pending final decision in the enquiry.

4. 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 3rd respondent-Revenue Divisional Officer, Chittoor, 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. 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: 03.03.2014

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