

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

(Special Original Jurisdiction)

PRESENT

THE HON'BLE THE
CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.321 OF 2015

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DATED: 28-04-2015

Between:

J. Aruna

.. Appellant

And

The State of Andhra Pradesh rep. by its
Principal Secretary, Consumer Affairs,
Food & Civil Supplies Department
And others

.. Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL NO.321 OF 2015
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JUDGMENT: (*per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta*)

This appeal is sought to be preferred against the judgment and order of the learned Trial Judge dated 27.02.2015, whereby His Lordship has been pleased to dispose of the writ petition directing the respondents to conduct enquiry and pass appropriate final orders within a period of eight weeks from the date of receipt of a copy of the said order. The writ petition was filed challenging the order of suspension of the petitioner's authorisation.

The basic contention of the petitioner/appellant is that without giving her an opportunity of being heard, the suspension order was passed without recording any reasons, that amounts to violation of the principles of natural justice.

In this context, we have to examine whether the impugned order of suspension is a final order or an interim one pending final decision to be taken. Therefore, we extract the relevant portion of the impugned order as under:

‘Hence, I hereby suspend the FP Shop authorization held by Smt. J. Aruna, FP Shop dealer, FP Shop No.39 of Basinepalli Village, Gooty Mandal and pending enquiry for passing final orders.’

Thus, it is clear from the above extracted portion that the impugned order is not a final order of suspension. If any final

suspension order is passed, reasons are required to be recorded. We notice that in the impugned order of suspension, the explanation of the petitioner was considered and this explanation was *prima facie* dealt with in order to justify the order of suspension.

We are unable to accept the contention of the learned counsel for the appellant that reasons are required to be recorded in the order of this nature. We notice that the learned Trial Judge has given a direction to complete the enquiry within a time frame. At this stage, the Writ Court could not interfere with the same and the learned Trial Judge has rightly done so.

Accordingly, we dismiss the appeal. However, we make it clear that the observations recorded in this order and the impugned suspension order will not be influencing the final decision to be taken in terms of the order of the learned Trial Judge. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

28-04-2015
Svv