

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Contempt Case No.1380 of 2015

ORDER:

The petitioner is a fair price shop dealer and challenging the order of suspension of her authorization dated 08.11.2014, she filed Writ Petition No.11975 of 2015. The said writ petition was disposed of on 18.06.2015 based on the orders of a Division Bench in Writ Appeal No.317 of 2015, dated 21.04.2015, which reads as follows:

“In any view of the matter, we feel that the writ Court should not have interfered with this sort of interim measure taken by the department. At the same time, the appellants’ authority cannot keep the authorization of the writ petitioner in suspension indefinitely. We therefore set aside the order of the learned Single Judge and also the observations made therein, and direct the appellants to complete the detailed enquiry under the law within a period of one month from the date of receipt of a copy of this order. This shall be done independently without being influenced and swayed by the observations and the decision of the learned Single Judge. For this purpose the writ petitioner/respondent shall be served with a notice and after giving an opportunity of hearing, speaking orders shall be passed. If the enquiry is not completed within the time stipulated above, the order of suspension will stand revoked and the petitioner shall be allowed to resume her dealership, pending enquiry. In the event, in spite of notice the petitioner fails to cooperate, it would be open for the appellants to proceed with the enquiry in her absence.”

A copy of the said order was received by the respondent on 22.06.2015 and he passed an order on 27.06.2015 extending the order of suspension dated 08.11.2014 until further orders. Thereafter, he conducted an enquiry and passed final orders on 24.08.2015 cancelling the authorization of the petitioner.

The present contempt case is filed alleging that in the face of orders dated 18.06.2015 passed by this Court, the respondent ought not to have passed an order on 27.06.2015 extending the orders of suspension.

Though the respondent should have been careful in understanding the orders of this Court and implementing the same, no violation was done by passing the order dated 27.06.2015, but he did not pass the final order within the time specified in the court order. However, the respondent passed the final order on 24.08.2015. It is not known

under what circumstances he violated the order. Though he issued notices to the petitioner on 15.06.2015 and 26.06.2015, nothing was done by him in the month of July, 2015. This is a clear case of violation and this Court could have taken appropriate proceedings for violation of the said orders, however, this Court thinks it fit not to pursue the matter further, but with a warning to be careful in future in relation to the orders of this Court.

With the above observations, the Contempt Case is closed. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this contempt case shall stand closed.

A. RAMALINGESWARA RAO, J.

Date: 29.09.2015

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