

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

[Special Original Jurisdiction]

FRIDAY THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 23070 OF 2009

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Between:

S. Chiranjeevulu Naidu ... Petitioner

V/s.

The District Collector,
Srikakulam district & Ors. ... Respondents

Counsel for the Petitioner : Sri Mavidi Rama Rao

Counsel for the Respondents: GP for Civil Supplies
Sri K. Purshotham

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 23070 OF 2009

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ORDER:

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Heard Sri M. Gnaneswar Rao for petitioner, Assistant
Government Pleader and Sri K. Purshotham.

2. The petitioner prayed for mandamus declaring the order
of third respondent in Rc.No. 375/09/B, dated 19/10/2009 as illegal
and without jurisdiction.

3. The factual objection against the authority of third
respondent is that even assuming without admitting that a few
allegations need to be enquired into the conduct of business by the
petitioner's authorized Fair Price Shop Dealer the competent
authority is the Revenue Divisional Officer, Palakonda Revenue
Division, Srikakulam district/second respondent but not Tahsildar.
On the vacate stay petition filed by fourth respondent, this court
considered the objections in detail and the explanation offered by
respondents 2 and 3 made interim stay absolute with the following
directions:

“I have perused the impugned order. Except certain vague allegations, no specific allegation is made against the petitioner. In any event, it is a matter for enquiry by the competent authority. Even if no proceedings are pending as alleged by the learned counsel for the petitioner, when such allegations are noticed, it is always open for the appointing authority to enquire into such allegations and to pass appropriate final orders.

As much as impugned order is suspended by this court on 28/10/2009 and continued all along, I deem it appropriate to continue the said order during the pendency of the writ petition by directing the appointing authority to conduct enquiry on the allegations made in the impugned order dated 19/10/2009 passed by the Tahsildar and to pass appropriate orders.

Accordingly, the WPMP and the WVMPs are disposed of.

4. From the above, it is very clear that while staying the order 19/10/2009 which was passed without jurisdiction, this Court has already permitted the second respondent to enquire into the allegations against the writ petitioner and take appropriate decision. Having regard to the above circumstances and the order of this court, I am satisfied the writ petition can be disposed of by this order.

5. The second respondent is directed to enquire into the charges levelled against the petitioner and if prima facie material is available conduct enquiry in accordance with law and pass appropriate orders within three months from the date of receipt of

a copy of this order. The interim suspension granted on 28./10/2009 shall be in force till a final decision is taken by the second respondent. The second respondent is directed to issue notice to fourth respondent in the proposed enquiry taken up against the petitioner.

6. Writ Petition is ordered as indicated above. No order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in
this writ petition shall stand closed.

JUSTICE S.V. BHATT

18/03/2016
I s L

HONOURABLE SRI JUSTICE S.V. BHATT

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Date: 18/03/2016
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Court Master: I s L