

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Contempt Case No. 1712 of 2015

Order:

This Contempt Case was filed alleging non-implementation of the order, dated 08.06.2015, passed by this Court in WP No.15178 of 2015.

2. During the course of hearing, this Court noticed that as on the date of filing of the writ petition itself, the authorization of the petitioner was suspended on 22.03.2015, but the said fact was not brought to the notice of this Court, as a result of which, this Court disposed of the writ petition stating that the petitioner is entitled to supply of commodities so long as his authorization subsists. On receipt of the said order, by misconstruing the purport of the order, the Revenue Divisional Officer, Narsapur, West Godavari District, passed an order on 29.08.2015 restoring the authorization of the petitioner without completing the enquiry pursuant to the order of suspension, dated 22.03.2015. This fact has come to the notice of this Court when the petitioner has approached this Court in the present Contempt Case on 31.08.2015.

3. This Court felt that the order dated 29.08.2015 was an ante dated order, as no enquiry was conducted pursuant to the order, dated 22.03.2015 and the said order was passed fearing the Contempt Case. In those circumstances, this Court gave liberty to the Revenue Divisional Officer, Narsapur, to take necessary action for suspension of the authorization which was wrongly restored, by an order dated 29.08.2015. Thereafter, the Revenue Divisional Officer, Narsapur, passed an order on 22.12.2015 suspending the authorization of the petitioner. The order of suspension, dated 22.12.2015, is nothing but reiteration of the order dated 22.03.2015, which was made pursuant to inspections conducted on 17.03.2015, 21.03.2015 and 22.03.2015 by the Tahsildar. Though, this Court noticed that the petitioner

suppressed the facts while filing the Contempt Case, in the absence of conclusive proof with regard to communication of the order, dated 22.03.2015, which was stated to have been affixed on the door of the Fair Price Shop and on the residential door of the petitioner, this Court does not want to pursue the proceedings against the petitioner who suppressed the facts.

4. At this stage, learned counsel for the petitioner seeks a direction to the Revenue Divisional Officer, Narsapur, to communicate the copies of the orders, dated 22.03.2015 and 22.12.2015, in order to take appropriate legal steps.

5. However, in view of the facts and confusing orders passed due to suppression of facts, this Court is inclined to direct the Revenue Divisional Officer, Narsapur, West Godavari District, to complete the enquiry pursuant to the orders, dated 22.03.2015 and 22.12.2015, within a period of three (3) months from the date of receipt of a copy of this order, after giving due opportunity to the petitioner. The copies of the orders, dated 22.03.2015 and 22.12.2015, shall be supplied to the petitioner, for which the petitioner shall approach the Revenue Divisional Officer, Narsapur, on 29.02.2016 in his office.

6. The Contempt Case is, accordingly, disposed of. However, in the circumstances, no costs.

A.
Date: 19.02.2016
Nsr

RAMALINGESWARA RAO, J.