

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.5556 of 2017

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed seeking the following relief:

“.... to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in canceling the Form-B license of the petitioner's Company vide Rc.No.K2/80/2015 dated 08-04-2015, without there being any enquiry conducted under Clause 28 (1) of Andhra Pradesh Petroleum Products (Licensing & Regulation of Supplies) Order, 1980 is illegal, arbitrary and violative of principles of natural justice and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit just and proper.”

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

According to the petitioner, he is a dealer to distribute wholesale kerosene oil to the Fair Price Shop Dealers of Anantapuram District and his license was granted by the then Joint Collector, Ananthapuram. The Joint Collector and Additional District Magistrate, Ananthapuram, vide Proceedings in Rc.No.K2/80/2015 dated 08.04.2015, in exercise of powers conferred under Clause 29 (1) of the A.P. Petroleum Products (Licensing and Regulation of Supplies) Order, 1980 (for short '1980 Order'), cancelled the Form-B license of the petitioner. Aggrieved by the said order of cancellation, petitioner herein preferred an appeal before the Commissioner of Civil Supplies-2nd respondent herein and the appellate authority while observing that the order of

the Joint Collector was not in consonance with the provisions of the 1980 Order remanded the matter to the Joint Collector for *de novo* enquiry vide orders in CCS.Progs.No.E2/E021/10/2015 dated 29.02.2016 to pass appropriate orders as per the provisions of 1980 Order within a period of four weeks from the date of receipt of the said order.

The grievance of the petitioner in this writ petition is that though one year period has elapsed from the date of passing of order by the appellate authority, remanding the matter to the Joint Collector, no action has been taken by the Joint Collector.

Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court is of the view that ends of justice would be served if the 3rd respondent-Joint Collector is directed to pass appropriate orders pursuant to the orders passed by the 2nd respondent on 29.02.2016 within a time frame.

Accordingly, the Writ Petition is disposed of, directing the 3rd respondent-Joint Collector to pass appropriate orders pursuant to the order passed by the 2nd respondent on 29.02.2016 within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in the event of 3rd respondent failing to adhere to this order, the petitioner herein is entitled to carry on the business.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

JUSTICE A.V.SESHA SAI

27.02.2017
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