

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT.JUSTICE T. RAJANI

Writ Appeal No.1036 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order under challenge before the learned Single Judge is the proceedings of the Joint Collector, Chittoor dated 22.6.2017 suspending the licence granted in favour of M/s. Siva Pavani Filling Station, represented by Sri K. Manoj Kumar Reddy, in Survey No. 254/2 of M.R. Pally Road in Chittoor District, until further orders. All the parties were directed to submit their written explanation to the Joint Collector within 15 days, and show cause why the Form-B licence, issued in favour of M/s. Siva Pavani Filling Station represented by Sri K. Manoj Kumar Reddy, should not be cancelled under the relevant Rules. The parties were also informed that, if no written explanation was received within the stipulated time, further action in this regard would be taken, based on the records available in the office and as per Rules.

The appellant is the complainant before the Joint Collector, and the 4th respondent in the writ petition. In his complaint, the appellant alleged that, since the licence was granted in favour of Sri Manoj Kumar Reddy, renewal of the licence, in the joint names of Sri Manoj Kumar Reddy and Sri C. Radha Krishnam Raju, was illegal.

Questioning the aforesaid order, the 1st respondent herein filed W.P. No. 20961 of 2017. In the order under appeal dated 12.7.2017, the learned Single Judge undertook a detailed examination on merits; and held that the action of the Joint

Collector, in suspending the licence and in calling upon the parties to show cause, was illegal.

Sri Vedula Venkataramana, learned Senior Counsel appearing on behalf of the appellant, would contend, not without justification, that this Court would not undertake an examination of the *inter-se* disputes between the appellant on the one hand, and the 1st respondent on the other; the only question which this Court was required to examine was whether the Joint Collector was justified in suspending the licence pending enquiry; this Court would not, ordinarily, entertain a writ petition against a show cause notice; and it would suffice if this Court were to set aside the order under appeal, relegate the parties to the remedy of filing their objections to the show cause notice, and suspend the order, impugned in the writ petition, till final orders are passed by the Joint Collector.

While Sri C. Raghu, learned counsel for the 1st respondent-writ petitioner, would contend that Sri C. Radha Krishnam Raju was inducted as a partner, and thereafter the licence was renewed in their joint names, it is wholly unnecessary for us, in proceedings under Article 226 of the Constitution of India, to undertake an examination of the rival contentions. The appellant herein (the complainant before the Joint Collector) himself agrees that the order, impugned before the learned Single Judge, be kept under suspension pending final orders being passed by the Joint Collector.

We consider it appropriate therefore, while setting aside the order under appeal, to suspend the order of suspension passed by the Joint Collector in her proceedings dated 22.6.2017 pending

final orders being passed by her, after giving all the parties to these proceedings an opportunity of being heard. It is open to the 1st respondent-writ petitioner to raise all such contentions as are available to them in law before the Joint Collector, who shall consider the rival submissions on its merits uninfluenced by the observations made either in the order under appeal, or in the order now passed by us.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T. RAJANI, J)

27th July, 2017

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