

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Appeal No.1189 of 2017 and Writ Petition No.26288 of 2017

COMMON JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

W.A.No.1189 of 2017 is filed under Clause 15 of the Letters Patent preferred against the order passed by the Learned Single Judge in W.P.M.P.No.32592 of 2017 in W.P.No.26288 of 2017 dated 17.08.2017. The appellant is the petitioner in the writ petition wherein they sought a mandamus to declare the proceedings of the 2nd respondent dated 27.07.2017 as illegal and unconstitutional. By way of interlocutory relief, the appellant-writ petitioner sought suspension of the operation of the proceedings dated 27.07.2017.

By his order dated 27.07.2017, the Joint Collector, Chittoor called upon the appellant-writ petitioner to submit their explanation within 15 days as to why the Form-B licence, issued in favour of M/s.J.Munithippaiah Chetty & Company, should not be cancelled under the relevant rules. On the ground that the appellant-writ petitioner had not obtained approval for re-constitution of the firm till date, and was running a petroleum outlet in the name of M/s. J. Munithippaiah Chetty & Company deliberately, without having a valid re-constitutional letter, their licence was suspended.

The partnership firm of M/s.J.Munithippaiah Chetty & Company consisted of three partners, all of whom are no more. While Sri K. Ramakanth Reddy, learned counsel for the appellant-writ petitioner, would submit that all the three partners died at different points of time, and the partnership firm was periodically re-constituted, these are all matters which the 2nd respondent is required to examine.

Sri K. Ramakanth Reddy, learned counsel for the appellant-writ petitioner, states that, in compliance with the directions of the 2nd

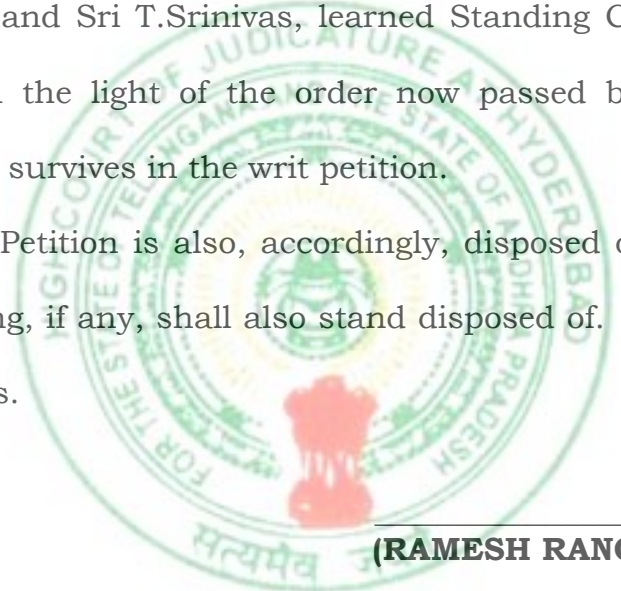
respondent in his proceedings dated 27.07.2017, the appellant-writ petitioner would submit their written explanation by 30.08.2017.

We consider it appropriate, therefore, to direct that, on a written explanation being filed by the appellant-writ petitioner enclosing thereto a copy of the order passed by us, the 2nd respondent shall afford them an opportunity of personal hearing, and pass an order with utmost expedition and, in any event, within two weeks from the date of receipt of the explanation, in as much as the licence, for the petroleum retail outlet, has been suspended.

The Writ Appeal is disposed of accordingly.

Both Sri K. Ramakanth Reddy, learned counsel for the appellant-writ petitioner, and Sri T.Srinivas, learned Standing Counsel for HPCL, submit that, in the light of the order now passed by us in the Writ Appeal, nothing survives in the writ petition.

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



(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

24th August, 2017

Note: Issue C.C. by 29.08.2017.

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Date: 24.08.2017

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