

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT APPEAL No.720 OF 2017

AND

WRIT PETITION No.14457 OF 2017

COMMON JUDGMENT (ORAL): (Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

The Writ Appeal arises from W.P. No.14457 of 2017. An interim order passed therein is under challenge.

2. Heard the learned counsel for the appellants, learned counsel for respondent No.1, who is writ petitioner, and the learned Government Pleader for Civil Supplies appearing for respondent Nos.2 to 6.

3. Respondent No.1 is an Authorized Ration Dealer; hereinafter referred to as 'ARD'). The ARD licence was suspended. That was restored. Against such restoration, writ appellants, who are consumers, filed an appeal before the Joint Collector. That officer granted an order of stay of restoration of the licence. That has been interfered with by the learned single Judge through the grant of an interim order which from the date of its issuance i.e., 21.04.2017 continues till date. We see that an interim order was issued on 14.06.2017 by the Division Bench calling for the records since the Bench, at that time, was under the impression that there was some confusion created on the basis of the recitals in the affidavits.

4. Today, we noticed that the fact of the matter remains that an interim order was issued by the Joint Collector. However, it was set at naught by the learned single Judge and that is continued till now.

5. The aforesaid fact-situation will disclose that the statutory appeal filed by the consumers is pending before the Joint Collector. Even if the writ petitioner is now continuing to run the shop on the strength of the interim order granted in W.P. No.14457 of 2017 which is challenged in this writ appeal, that situation cannot continue for long without the appeal pending before the Joint Collector is ultimately decided.

6. For the aforesaid reasons, the Joint Collector - respondent No.4 is directed to decide the afore-noted statutory appeal within an outer limit of forty five (45) days from today. In doing so, that officer will give opportunity of hearing to both sides and will render decision untrammelled by anything stated in the interlocutory order issued by the learned single Judge or the judgment in this writ appeal.

7. The Writ Appeal is ordered accordingly. There shall be no order as to costs.

8. In terms of the aforesaid, W.P. No.14457 of 2017 is closed.
No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal as well as the Writ Petition are closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

P. KESHA VA RAO, J

August 23, 2018.

NOTE:

Dispatch the order by 25.08.2018.

(BO) PV

