

(2010) 03 KAR CK 0141
In the Karnataka High Court
Case No : Writ Petition No. 9829 of 2010

Sri. G. Gangadhar

APPELLANT

Vs

The Deputy Commissioner, Mysore and Another

RESPONDENT

Date of Decision : 25-03-2010

Acts Referred:

Citation : (2010) 03 KAR CK 0141

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : O. Shivarama Bhat, for the Appellant; R. Devdas, AGA, for the Respondent

Judgement

A.S. Bopanna, J.—Sri. R. Devadas, learned Government Advocate to accept notice for respondents and file memo of appearance within a period of four weeks.

2. The petitioner is before this Court seeking for issue of a writ of certiorari to quash the order dated 4-1-2010 which is impugned at Annexure-"A" to the petition.

3. The petitioner, a CL-9 licence holder for the year 2009-2010, is carrying on the business in the name and style "Quality Bar and Restaurant" at Premises No. 830/A, Link Road, T. Narasipura, Mysore. On the allegation that the petitioner had excess stock than what was indicated in the Account book, the licence was kept under suspension and further proceedings were ordered by the Deputy Commissioner. The same was done by order dated 4-1-2010 which is impugned at Annexure-"A". The grievance of the petitioner is that, despite nearly four months having elapsed, there is no further progress in the case and the business of the petitioner is affected since the licence is kept under suspension and is unable to carry on with his business and even otherwise, the period of licence is coming to an end. Learned Government Advocate would state that all materials were required to be placed before the Deputy Commissioner before the same is

considered objectively and therefore, some time had elapsed. At this stage, appropriate steps could be taken since the petitioner has also relied upon the report of the Chemical Analysis and the same being one of the documents, would be placed before the Deputy Commissioner along with all materials in the matter. Hence if same time is granted, the entire enquiry against the petitioner would be concluded one way or the other and as such, the learned Government Advocate would contend that at this stage, the order suspending the licence does not call for interference.

4. In the light of the above, the facts relating to the proceedings being initiated against the petitioner and the licence being suspended is evident from the order dated 4-1-2010. The order also indicates that after noticing these aspects of the matter, the Deputy Commissioner has adjourned the case to 6-4-2010 for further hearing. However, considering the fact that the report of the Chemical Analysis is already available and in that context, all that is to be done by the Deputy Commissioner is to look into all the evidence available before him, grant opportunity to the parties and thereafter render his opinion on this aspect of the matter.

5. Therefore, in such a circumstance, it would be appropriate to direct the Deputy Commissioner to consider and dispose of the matter as expeditiously as possible. In this regard, in order to hasten the process, it would be appropriate that the case be advanced from 6-4-2010 to an earlier date and thereafter complete the entire process one way or the other, in accordance with law, within a period of three weeks from today. Learned Government Advocate is requested to inform the Deputy Commissioner with regard to this order to complete the process within the time frame. In this regard, the petitioner is permitted to appeal before the Deputy Commissioner on 29-03-2010 as the first date of appearance pursuant to this order. Thereafter, the Deputy Commissioner shall regulate the proceedings and complete the process within the time frame indicated above.

With the above observations, petition stands disposed of. No order as to costs.