

GAHC040003702024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/116/2024

Toi Modi
Son of Late Jokut Modi, resident of Napit village, PO and PS Napit, East Siang
District, Arunachal Pradesh

VERSUS

The State of AP and 3 Ors
represented by the Chief Secretary, Itanagar

2:The Commissioner
Age: 0
Occupation :
Tax and Excise
Govt of Arunachal Pradesh
Itanagar

3:The District Excise Collector cum District Magistrate
Age: 0
Occupation :
East Siang District
Pasighat

4:The Superintendent of Tax and Excise
Age: 0
Occupation :
East Siang District
Pasigha

Advocate for the Petitioner : Orin Modi

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 14.03.2024

Heard Mr. O. Modi, learned counsel for the petitioner. Also heard Mr. Y. Riram, learned Government Advocate for the State respondents.

The petitioner, by way of instituting the present proceedings has presented a challenge to the Show-cause notice, dated 16.02.2024, issued by the District Excise Collector-cum-District Magistrate, East Siang District, Pasighat, requiring the petitioner to Show-cause as to how he had stocked liquor in his premises without having a license for the said purpose. The petitioner was required to Show-cause as to why the liquor as seized from his premises should not be confiscated. The said reply was to be preferred by the petitioner in terms of the Show-cause notice dated 16.02.2024 before 23.02.2024.

On perusal of the said notice dated 16.02.2024, it is seen that the same was issued from the Office of the Superintendent of Tax and Excise, East Siang District, Pasighat, only on 27.02.2024 and accordingly, it would have been impossible for the petitioner to furnish his replies thereto on 23.04.2024.

Noticing the issue as raised in the present proceedings and only a Show-cause notice being issued to the petitioner, this Court at this stage, refrains from entertaining the writ petition.

Accordingly, the writ petitioner is required to submit his Show-cause reply to the Show-cause notice dated 16.02.2024, within a period of 10(ten) days from

today, i.e. within 26.03.2024.

The respondent authorities, in the event of receipt of such Show-cause reply within 26.03.2024 from the petitioner, shall take the same into consideration and thereafter, proceed with the matter in terms of the Show-cause notice dated 16.02.2024. It is stated that in the event, the petitioner prefers his Show-cause reply within 26.03.2024, no adverse order be passed against the petitioner without considering such, Show-cause reply.

With the above observations and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant