

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.35912 OF 2015

ORDER:

The petitioner society assails the order dated 17.10.2015 passed by the Superintendent, Prohibition and Excise, Eluru, West Godavari District, the third respondent, suspending its licence.

The grievance of the petitioner society is that no enquiry was held and its explanation was not considered prior to the afore-stated suspension.

Perusal of the impugned proceedings dated 17.10.2015 reflects that the third respondent recorded therein that no explanation had been received from the petitioner society. However, at reference No.4 in the said proceedings, it was stated that the President of the petitioner society had submitted application dated nil.

The learned Government Pleader for Prohibition and Excise was therefore asked to obtain instructions as to what had been received from the petitioner society, which found mention at reference No.4 of the impugned proceedings. Today, the learned Government Pleader fairly conceded that the petitioner society's undated application which is filed as Ex.P4 in the writ papers was, in fact, received by the third respondent and that the same finds mention at reference No.4 of the impugned proceedings.

However, the impugned proceedings do not reflect any consideration of the objections raised by the petitioner society in the said undated application (Ex.P4). The impugned proceedings were therefore in clear violation of the principles of natural justice. On this short ground, the said proceedings are set aside and the matter is remitted to the file of the third respondent for consideration of the petitioner society's objections under Ex.P4. In the event the third respondent does not accept the objections raised by the petitioner society, he shall pass an appropriate reasoned order in accordance with law and communicate the same to the petitioner society.

The writ petition is accordingly allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

7th November, 2015

Note:-

Issue CC in three days.

B/o

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