

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.6186 of 2015

-

ORDER:

Heard.

The petitioner herein is stated to be a licensee having TFT licence bearing No.89 valid upto 30-09-2017 and under the impugned order, dated 16-01-2015 issued by the 2nd respondent, the said licence of the petitioner is kept under suspension pending enquiry on the ground that inspection was carried out on 29-09-2014 when the Toddy was found adulterated. The petitioner questioned the said order *inter alia* on the ground that the said order appears to have been passed on the report of the 3rd respondent, dated 07-01-2015, but it refers to an inspection alleged to have taken place on 29-09-2014 by the Prohibition and Excise Inspector, Mahabubnagar.

Learned counsel appearing for the petitioner submits that no such inspection was carried out on 29-09-2014 and further the said alleged inspection is more than 100 days prior to passing of the impugned order and it is improbable that the Station House Officer has reported adulteration after 100 days of inspection vide his report, dated 07-01-2015. The impugned order is, therefore, questioned on the ground that the 2nd respondent ought to have verified the facts from the petitioner before passing the order of suspension.

I have heard the learned Government Pleader for Prohibition and Excise.

However, under Article 226 of the Constitution of India, it is not for this Court to go into the issues with respect of reasons for suspension pending enquiry and the order of suspension pending enquiry does not deserve to be interfered with. The petitioner is at liberty to file his detailed representation before the 2nd respondent bringing to his notice all the facts, which according to the petitioner are

relevant and it is thereafter the 2nd respondent shall consider the aforesaid report of the Station House Officer, in the light of the explanation/representation submitted by the petitioner and take appropriate decision in the matter, whether suspension of petitioner's licence is required to be continued or to be revoked.

The writ petition is, therefore, disposed of permitting the petitioner to make a detailed representation before the 2nd respondent against the said order of suspension pending enquiry, and if any such representation is filed, the 2nd respondent shall consider the same in the light of the aforesaid observations and pass appropriate orders within two weeks from the date of receipt of representation from the petitioner. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 11-03-2015

Prv

