

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.291 of 2015

DATE: 09.04.2015

Between:

M.V.V.Sudhakar Babu,

Machilipatnam, Krishna District.

... Petitioner

And

State of Andhra Pradesh,

Revenue (Excise) Department,

Secretariat, Hyderabad

Rep. by its Secretary and others.

... Respondents

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL No.291 of 2015

Judgment: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

Learned counsel for the appellant, after arguing for some time, upon instructions, submits that he does not want to press the appeal. However, this

Court, taking into consideration the ground reality, shall give a direction so that justice is rendered to the appellant.

In view of the aforesaid submission, we pass the following order:

It appears that the respondent authority has not issued any notice proposing to take action for cancellation or suspension of liquor licence. It appears from the order of suspension impugned in the Writ Petition that it is passed in contemplation of an enquiry and investigation, not as a measure of punishment.

Learned counsel for the respondent submits that appropriate show cause notice for taking action against the respondent for cancellation or suspension of the licence shall be issued within three days from date.

Learned counsel for the appellant submits that his client will file reply in writing to the notice to show cause.

On receipt of written objections/representation from the appellant-writ petitioner, the appropriate authority shall give personal hearing to him and pass a speaking order, within a period of seven days from the date of receipt of the written objections/representation, failing which, the impugned order of suspension shall stand revoked. We make it clear that the observations and findings recorded in the impugned order of suspension will not be binding and influencing factor for taking a decision on consideration of the objections raised by the appellant.

The Writ Appeal is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

Date: 09.04.2015

va