

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.1913, 1918, 2032 and 2035 of 2015

BETWEEN

M/s. Sri Ram Wines and others.

... PETITIONERS

AND

The State of Telangana, Rep. by Commissioner, Prohibition and Excise,
Nampally, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioners: MR. KOTI REDDY IDAMAKANTI

Counsel for the Respondents: GP FOR PROH. & EXCISE (TG)

The Court made the following:

-
-
-

COMMON ORDER:

In all these writ petitions the order impugned is one passed by the

Prohibition and Excise Superintendent suspending the A4 license of the respective petitioner pending enquiry on the allegation of violation of the A.P. Excise (Grant of License of Selling by Shop and Conditions of License) Rules, 2012 (for short 'the Rules').

2. Various averments on factual aspects are made apart from the legal issue that the petitioners were not given any notice and merely on the basis of the alleged statement of third parties, petitioners have been implicated and without verifying whether petitioners are any way responsible for the violation of the Rules, as alleged, the license of the respective petitioner was suspended.

3. The power of the Prohibition and Excise Superintendent to suspend a license pending enquiry is not in dispute and as such, the said suspension pending enquiry does not deserve to be interfered with, as malafides are also not alleged against the Prohibition and Excise Superintendent. Further, the Full Bench of this Court in **TAPPERS CO-OPERATIVE SOCIETY v. SUPERINTENDENT OF EXCISE**^[1] has already held that a prior notice is not required to be issued in case of suspension pending enquiry under Section 31 of the A.P. Excise Act.

4. In view of that, therefore, in my view, it would be appropriate to permit the petitioners to file their objections/explanation to the action taken against them including showing the cause as to why the order of suspension is required to be revoked. As soon as the explanation/objections from the respective petitioners are received, in each case, the concerned Prohibition and Excise Superintendent shall examine the same on its own merits and pass appropriate orders within a period of two (2) weeks from the date of receipt of such explanation/objections and the suspension pending enquiry, impugned herein, shall be subject to such final orders.

Subject to the above, the writ petitions are disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 5, 2015

Note: Furnish C.C. of the order by 06.02.2015.

(**B/o**) DSK

[\[1\]](#) 1984 (2) APLJ 1 (FB)