

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 25010 of 2006

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

Challenging the proceedings No.PC/4504/1995, dated 15.07.2006 issued by the respondents canceling the Stamp Vendor Licence No.8/84 the present writ petition came to be filed.

The facts in issue are as under:

The petitioner was granted stamp vendor licence through licence No.8/84 and the same was renewed on 07.01.2005 vide renewal No.18/2005 authorising the petitioner to sell non-judicial stamps and judicial stamps in the premises bearing H.No.1-319, Main Road, Narsampet, Warangal District with effect from 01.01.2005 to 31.12.2007. On the allegation that the petitioner committed irregularities in selling the stamps by putting ante date which came to be detected when certain documents were presented for registration using the stamps sold by the petitioner, the stamps vending licence bearing No.8 of 1984 was suspended by an order dated

21.03.1996 in File No.E/4504/95-2. Questioning the said suspension, the petitioner herein filed W.P.No.20306 of 1996 before this Hon'ble Court. By an order, dated 29.02.2000, this Court disposed of the writ petition directing the second respondent therein to dispose of the appeal preferred by the petitioner as expeditiously as possible. Till such time the proceedings of suspension of licence were stayed. Thereafter, appeal No.1 of 1996 was dismissed on 31.10.1996. Challenging the same, the petitioner filed W.P.No.23831 of 1996. By an order dated 21.06.2006 this Court passed the following order:

“After arguing the case for some time, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition. The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn. As a sequel to the writ petition, interim order dated 11.11.1996 shall stand automatically vacated.”

In view of the withdrawal of W.P.No.23831 of 1996, the first respondent issued the impugned proceedings canceling and revoking the licence No.8/84 and renewal No.11/96. Aggrieved by the same, the present writ petition came to be filed.

The main ground urged by the learned counsel for the petitioner is that no notice was given to him before passing the impugned order. It is his case that the

petitioner should have been put to notice stating the reasons for cancellation of the licence even before the expiry period.

It is to be noted that in instant case, after suspension of the licence bearing No.8 of 1984, the petitioner preferred W.P.No.20306 of 1996 before this Court. By an order, dated 29.02.2000 this Court disposed of the said writ petition directing the appellate authority to dispose of the appeal and till such time stayed the suspension of licence. Challenging the order of dismissal of the appeal, the petitioner herein filed W.P.No.23831 of 1996. At the time when the matter was taken up for hearing, the learned counsel for the petitioner withdrew the said writ petition after arguing the matter for some time. In view of the withdrawal of W.P.No.23831 of 1996, which was filed against the order passed by the appellate authority, the first respondent was left with no other option except to cancel the licence. That being the position, the question of giving notice to the petitioner would not arise. The impugned order is consequential to the withdrawal of the W.P.No.23831 of 1996 by the writ petitioner before this Court. No reasons are mentioned in the affidavit filed before this Court as to why and under what circumstances the petitioner withdrew W.P.No.23831 of 1996. On the other hand, order makes it obvious the reason for withdrawal of writ

petition. As stated earlier, the petitioner was aware about the proceedings and contested the appeal by raising all the grounds. Having regard to the facts stated above, it cannot be said that principles of natural justice are violated.

For the reasons stated above, the writ petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

14.12.2015
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