

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.8768 of 2015

ORDER:

The petitioner is a licensee of 2B licence. By proceedings of the Deputy Commissioner of Prohibition and Excise, Vijayawada, Krishna District (third respondent), dated 27.03.2015, impugned herein, his licence was suspended on the allegations appearing against him. The petitioner questions the said order on the basis of the analysis report of the Chemical Examiner of Prohibition and Excise, dated 04.03.2015, which shows that the allegations, regarding dilution of the liquor, are totally incorrect, and the report is in favour of the petitioner and, on an erroneous view, the suspension was ordered without verification of the chemical analysis report. The petitioner submits that the manner, in which the suspension was ordered, was routine based relying on para 42 of the judgment in **Tappers Cooperative Society, Maddur v. Superintendent of Excise, Mahabubnagar**.

Learned Government Pleader for Prohibition and Excise, on instructions, submits that an enquiry is pending with the third respondent, and a decision with regard to continuation or revocation of suspension would be taken as soon as the enquiry would be completed.

Since the petitioner was not given an opportunity to submit explanation/objections against the said order of suspension, I deem it appropriate to grant such an opportunity to the petitioner, but I do not propose to interfere with the order of suspension pending enquiry, impugned herein. The petitioner is, therefore, granted an opportunity to submit his objections and, as soon as his objections are submitted, the third respondent shall re-examine the matter, and pass appropriate orders to his satisfaction as to whether the suspension is required to be continued any further or the same is required to be revoked to enable the petitioner to carry on the business. The third respondent shall complete the enquiry within ten days from the date of filing of the representation/objections.

The Writ Petition is, accordingly, disposed. Miscellaneous petitions

pending, if any, shall also stand disposed of.

VILAS V.AFZULPURKAR,J

Date: 06.04.2015

Note:CC tomorrow

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