

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 1056 of 2015

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Date of Judgment: 27.1.2015

Between:

J. Raj Kumar Yadav

...Petitioner

And

The State of Telangana and another

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 1056 of 2015

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ORDER:

Heard learned counsel for the parties.

The petitioner's A4 shop licence was suspended pending enquiry by the second respondent under an order dated 20.1.2015, which is questioned in this writ petition primarily on the ground that there was no opportunity given to the petitioner before passing the said order and in support of it, reliance is placed upon decision

of learned single Judge of this Court reported in *Venkateshwara Wines Vs. Superintendent of Prohibition and Excise and others* ^[1] and decision of Division Bench of this Court reported in *Goka Bujamma Vs. Prohibition and Excise Superintendent and others* ^[2]. The view taken in these two decisions, however, cannot be accepted in view of the decision of a Full Bench of this Court reported in *Tappers Co-operative Society, Maddur Vs. Superintendent of Excise, Mahaboobnagar* ^[3] wherein it is held that suspension pending enquiry does not attract Section 31 of the A.P. Excise Act, 1968 and only where suspension is by way of punishment, the requirement of Section 31 of the said Act is attracted. Since the present case is one of suspension pending enquiry, in view of the ratio laid down by the Full Bench in the decision (3rd supra), no interference with the impugned order is called for. However, the petitioner is at liberty to submit his explanation and the respondent No.2 shall consider the said explanation and pass appropriate final orders as to whether suspension of the petitioner's licence is required to be continued or not. The final orders shall be passed by the respondent No.2 within one week from the date of receipt of explanation from the petitioner.

The writ petition is accordingly disposed of.
Miscellaneous applications, if any, shall stand closed. No
order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 27.1.2015
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[\[1\]](#) 2004 (4) ALD 681

[\[2\]](#) 2003 (6) ALD 188

[\[3\]](#) 1984 (2) APLJ 1