

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 42886 of 2015

ORDER:

The petitioner is aggrieved by the proceedings dated 19.12.2015 passed by the Prohibition and Excise Superintendent, Markapur, Prakasam District, whereby his licence in Form A4 was cancelled.

2. Perusal of the impugned proceedings dated 19.12.2015 reflects that the Prohibition and Excise Superintendent did not even issue a show cause notice to the petitioner proposing cancellation of his licence and assumed that he had nothing to say as he did not come forward to submit his objections in relation to the suspension of his licence.

3. When the excise authority proposed to cancel the licence issued to the petitioner, it was incumbent upon it to follow the due procedure and give an opportunity of hearing to the petitioner before taking action. Failure to issue a show cause notice proposing cancellation of the licence is not only in violation of the prescribed procedure but also the principles of natural justice.

4. On this short ground, the impugned proceedings dated 19.12.2015 are set aside. This order shall however not preclude the respondent authorities from taking appropriate action afresh in the matter in accordance with law.

The Writ Petition is accordingly allowed. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

December 31, 2015

Lmv