

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.71 OF 2016

ORDER

The petitioner is aggrieved by the proceedings dated 21.12.2015 passed by the Prohibition and Excise Superintendent, Anakapalli, whereby the petitioner's licence was cancelled under Section 31(1)(b) of the Andhra Pradesh Excise Act, 1968. The complaint of the petitioner is that she submitted a representation offering to compound the offence and acting thereupon, the Prohibition and Excise Inspector, Prohibition and Excise Station, Yellamanchili, addressed letter dated 17.12.2015 to the Prohibition and Excise Superintendent, Anakapalli, recommending that the request of the petitioner may be considered as it was her first offence and she had already paid an amount of Rs.1,00,000/- towards the compounding fee vide Challan No.6895 dated 17.12.2015. It appears that the Prohibition and Excise Superintendent, Anakapalli, was unaware of this fact of the matter and in ignorance thereof resorted to cancellation of the petitioner's licence straight away.

As the impugned proceedings dated 21.12.2015 suffer from lack of application of mind in this regard, the same are set aside and the matter is remitted to the file of the Prohibition and Excise Superintendent, Anakapalli, to consider the matter afresh in the light of the recommendation made by the Prohibition and Excise Inspector, Prohibition and Excise Station, Yellamanchili, under his letter dated 17.12.2015 and the fact that the petitioner has already remitted a sum of Rs.1,00,000/- towards the compounding fee.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

22nd MARCH, 2016
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