

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 920 of 2016

ORDER:

The petitioner is aggrieved by the proceedings dated 19.12.2015 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 he submitted a representation offering to compound the offence and acting thereupon, the Station House Officer, Prohibition and Excise Department, Chodavaram, addressed letter dated 07.12.2015 to the Prohibition and Excise Superintendent, Anakapalli, recommending that the request of the petitioner may be considered as it was his first offence and he had already paid an amount of Rs.1,00,000/- towards the compounding fee vide Challan No.7937 dated 07.12.2015. 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.

2. As the impugned proceedings dated 19.12.2015 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 Station House Officer, Chodavaram, under his letter dated 07.12.2015 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 also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

January 7, 2016

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