

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.26628 OF 2012

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a direction or order or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering my explanation dt.07-12-2011 and passing orders of suspension by the 3rd respondent in Cr.No.B3/2789/2010/13 & ESH dt.09-12-2011, confirmed by the 2nd respondent vide Cr.No.C4/1060/2011 dt.26-12-2011 and by the first respondent vide orders Cr.No.48/2012/CPE/G2 dt. 09-07-2012 and consequential show-cause notice issued by the 3rd respondent vide proc.in.Cr.No. B3/2789/2010/P & ESH dt.10-07-2012 as being arbitrary, illegal and in breach of principles of natural justice and against the provisions of the Excise Act and rules made thereunder, and set aside the orders of the 3rd respondent passed in Cr.No.B3/2789/2010/P & ESH dt.09-12-2011, confirmed by the 2nd respondent vide Cr.No.C4/1060/2011 dt.26-12-2011 and by the first respondent vide orders Cr.No.48/2012/CPE/G2 dt.09-07-2012 and consequential show-cause notice issued by the 3rd respondent vide proc.in.Cr.No. B3/2789/2010/P & ESH dt.10-07-2012, in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is called, reiterating the contentions of the counter affidavit, it is stated by the learned Government Pleader that the respondent authorities cancelled the licence of the petitioner on 18.07.2012. On the otherhand, it is stated by the learned counsel for petitioner that the criminal prosecution initiated against the petitioner ended in acquittal.

3. In view of the above facts and circumstances of the case, so far

as present writ petition is concerned, nothing survives for adjudication.

4. Accordingly the writ petition is disposed of, giving liberty to the petitioner herein to question the order of cancellation and if any such proceedings are taken, appropriate action be taken by the respondents, as per law.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

01.02.2016
SS