

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.26078 OF 2008

ORDER:

The petitioner is a licensee under A.P. Excise (Lease of right of selling by shop and conditions of licence) Rules, 2005 (for short 'the Rules') in respect of IM & FL shop in premises No.6-4, Purushothapuram village, Munagapaka, Visakhapatnam District. The licence was valid for two years from 01-07-2006 to

30-06-2008. While so, the 2nd respondent inspected the shop and noticed some violation of licence conditions. A show cause notice was issued to the petitioner on 21-11-2006 proposing to cancel his licence.

He submitted a reply to the 1st respondent on 26-12-2006. In the meanwhile, he received proceedings on 17-12-2006 cancelling his licence. Challenging the same, the present writ petition is filed.

2. Since licence period expired long back on 30-06-2008, this Court is not inclined to go into the merits of the case as it is unnecessary. However, learned counsel for the petitioner submits that the cancellation of licence would come in the way of doing business. As could be seen from Rule 8 of the Rules, the prohibition, if any, relates to 3 years preceding the grant of licence and in the present case, the incident occurred way back in the year 2006. In the circumstances, cancellation of licence would not come in the way of the petitioner for applying fresh licence, if he otherwise eligible to apply for the same.

3. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 07-04-2016

Hsd