

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.40286 OF 2015

ORDER

The grievance of the petitioner society is that its applications dated 24.09.2012 and 23.11.2015 under Rule 39 of the Andhra Pradesh Excise (Grant of Licence to Sell Toddy, Conditions and Licence and Tapping of Excise Trees) Rules, 2007 (for brevity, 'the Rules of 2007') are not being considered.

Though a counter-affidavit was filed by the Prohibition and Excise Superintendent, Nizamabad, on merits and a reply affidavit was filed by the petitioners rebutting the contents thereof, this Court is not inclined to go into the merits of the matter at this stage.

Admittedly, Rule 39 of the Rules of 2007 empowers the excise authorities to continue a society with eligible tappers/members by imposition of fine, as prescribed by the Commissioner of Prohibition and Excise, if the toddy shop of the society is found indulging in adulteration for the first time. The members of its managing committee, having suffered disqualification, are however to be removed from the primary membership of the society. It is under this statutory provision that the subject applications were submitted by the petitioner society.

Learned Government for Excise would however dispute the factum of this being the first adulteration offence by the society.

As stated *supra*, it is not the right stage for this Court to go into the merits of the matter as the petitioner society's applications have to be considered by the authority concerned in the first instance.

The writ petition is accordingly disposed of directing the Commissioner of Prohibition and Excise, State of Telangana, the second respondent, to consider the petitioner society's applications dated 24.09.2012 and 23.11.2015 in accordance with law and take appropriate action in the matter. In the event the request of the petitioner society is rejected, the reasons therefor shall be duly recorded and communicated

to the petitioner. This exercise shall be completed expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

11th FEBRUARY, 2016

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