

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.1303 of 2016

ORDER:

The prayer of the petitioner Toddy Tappers Cooperative Society is as under:

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ or Direction, more particularly one in the nature of Writ of Mandamus declaring the Cr.No.297/2014/C2, dated 18/12/2015, 02/01/2016 and 08/01/2016 of the Respondent No.2 as illegal, arbitrary, contrary to law and in not sending one of the samples to state food laboratory, Hyderabad for analysis is unjust, contrary to law and violative of principles of natural justice and set aside the same and grant consequential reliefs and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case."

Insofar as the second limb of the prayer relating to sending one of the samples to the State Food Laboratory at Hyderabad is concerned,

Sri T. Amarnath Goud, learned counsel representing M/s. Amarnath Law Firm, learned counsel for the petitioner society, states that he has been informed that a sample has already been sent. This limb of the prayer has therefore worked itself out.

Insofar as the primary prayer is concerned, it is in relation to the proceedings dated 18.12.2015, 02.01.2016 and 08.01.2016 whereby the licence of the petitioner society was suspended and it was also called upon to show cause as to why the licence should not be cancelled.

However, the Prohibition and Excise Superintendent, Miryalaguda Excise Unit, filed a counter-affidavit stating that after issuance of the afore-stated proceedings, the petitioner society made an application on 22.01.2016 to the authorities under Rule 39 of the

A.P. Excise (Grant of Licence to Sell Toddy, Conditions of Licence and Tapping of Excise Trees) Rules, 2007 (for short, 'the Rules of 2007'), and the same was forwarded to the Prohibition and Excise Inspector, Station House Officer, Devarakonda, Naglonda District, for enquiry and report. The Superintendent further stated that after getting the report, action would be taken in the matter as per law.

In the light of the afore-stated counter-affidavit averments, Sri T. Amarnath Goud, learned counsel, fairly states that as the authorities are now in the process of considering his client's application under Rule 39 of the Rules of 2007, adjudication may not be called for on merits in this writ petition.

Recording the said statement, the writ petition is disposed of directing the Prohibition and Excise Superintendent, Miryalaguda, the second respondent, to consider the petitioner society's application dated 22.01.2016 in accordance with the relevant rules and take appropriate action in the matter. 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, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

15th February, 2016
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