

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44448 of 2016

Date: 21.12.2016

Between:

Toddy Tappers Co-operative Society,
Jammiched Village Gadwal Mandal,
Jogulamba Gadwal District, rep.by its
President, E.Ramachandra Goud,
S/o. Narayana Goud.

.....Petitioner

and

State of Telangana, rep.by its Principal
Secretary to Government, Prohibition &
Excise Department at Secretariat,
Hyderabad and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner-society was served with show cause notice alleging adulteration of toddy. In response to the said show cause notice, petitioner submitted detailed explanation by raising various contentions in his support. Though explanation was referred to in the order, as seen from the order, only what is contended is extracted and thereafter in one paragraph, it is stated that 'the explanation is examined, not satisfied and, therefore, denied and thus, explanation is rejected'.

2. Petitioner has raised several contentions in the explanation submitted by him. He has also raised allegation of involvement of another person, registration of crimes against that person, filing of writ petition by the petitioner earlier. None of these contentions were reflected in the order impugned.

3. The order impugned was passed in exercise of quasi-judicial power vested in the Prohibition and Excise Superintendent and order has got civil and evil consequences against the petitioner. Whenever an order is passed deciding on issue affecting an individual or society, the competent authority is expected to deal with all the contentions urged and record the reasons as to why such contentions are not acceptable. These parameters are not fulfilled in the order impugned and, therefore, the order is liable to be set aside on that ground alone.

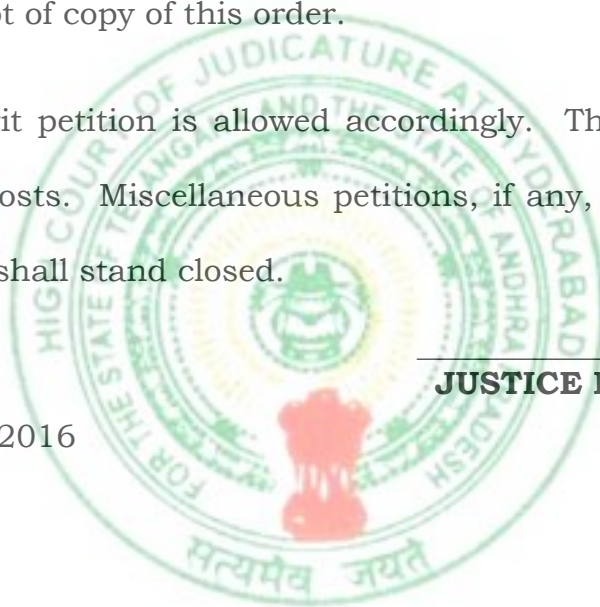
4. Learned Government Pleader fairly submits that order impugned does not contain reasons, though the order extracts the contentions urged by the petitioner.

5. Having regard to the same, the order impugned in the writ petition is set aside and the matter is remitted to the Prohibition and Excise Superintendent (2nd respondent) and 2nd respondent is directed to pass a reasoned order after considering the objections filed by the petitioner and communicate the same to the petitioner. Such order shall be passed within a period of three weeks from the date of receipt of copy of this order.

6. The writ petition is allowed accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

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