

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.12877 OF 2016

ORDER

The grievance of the petitioner is with regard to the suspension of his toddy shop licence under the proceedings dated 21.03.2016.

Sri V.Ravi Kiran Rao, learned counsel for the petitioner, would point out that the suspension is based on an inspection which took place as long back as on 29.09.2015 and such a suspension could not have been visited upon the petitioner in violation of the statutory norms which require an opportunity of hearing being provided to him in the first instance.

Perusal of the impugned suspension proceedings does not indicate that it is only pending enquiry. However, this Court is informed by the learned Assistant Government for Prohibition and Excise, basing on the written instructions dated nil-04-2016 furnished by the Prohibition and Excise Superintendent, Nizamabad, that the suspension of the petitioner's toddy shop licence is only by way of a preliminary action pending enquiry.

In that view of the matter, this Court is not inclined to interfere at the present stage as the petitioner would necessarily have to face the enquiry in the context of the alleged adulteration of toddy. However, as the excise authorities have resorted to suspension of the petitioner's licence based on the inspection carried out in September, 2015, the balance of convenience is in favour of the petitioner and the excise authorities cannot be permitted to drag on the proceedings indefinitely.

The writ petition is accordingly disposed of directing the excise authorities concerned to complete the enquiry against the petitioner expeditiously and in any event, not later than four weeks from today. In the event the excise authorities fail to conclude the proceedings within the time stipulated, the suspension proceedings shall stand revoked automatically without further recourse to the Court and the petitioner shall

be permitted to operate his toddy shop.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

19th APRIL, 2016
PGS