

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.29471 of 2017

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise for the respondents.

The petitioner is a licensee of bar and restaurant and he was granted the said licence for the period commencing from 01.07.2017 to 30.06.2022. The Deputy Commissioner of Prohibition and Excise, Kakinada, 4th respondent herein, issued an order vide Rc.No.B1/822/2017, dated 25.08.2017, keeping the 2B licence of the petitioner under suspension on the ground of violation of Rules 4, 17(1) and 30 of A.P. Excise (Grant of license of selling by shop and conditions of license) Rules 2017, and condition No.1 of 2B licence. This writ petition challenges the validity and legal sustainability of the said order of suspension passed by the 4th respondent, pending enquiry.

According to the learned counsel for the petitioner, the impugned action on the part of the 4th respondent in suspending the licence of the petitioner is highly illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India. It is further submitted that the allegations made against the petitioner are highly fallacious and are only made for the purpose of suspending the licence and there is no truth in the same.

On the other hand, it is submitted by the learned Government Pleader that there is no illegality nor there exists any infirmity in the impugned action and the impugned order is only a suspension pending enquiry and appropriate orders will be passed by the competent authority on the said enquiry as per Rules and it is open for the petitioner to participate in the said enquiry.

Having regard to the allegations made in the impugned order and keeping in view the submissions of the learned Government Pleader, this Court, in the facts and circumstances of the case, is not inclined to scuttle further enquiry into the matter. As the enquiry is pending before the 4th respondent and as the impugned order is only an interim measure, this Court deems it appropriate to dispose of the writ petition with a direction to the 4th respondent, Deputy Commissioner of Prohibition and Excise, Kakinada, to complete the enquiry initiated pursuant to the impugned order, dated 25.08.2017, and pass final orders, within a period of three weeks from the date of receipt of this order, after giving opportunity of hearing to the petitioner. It is also open to the petitioner to avail the remedy of appeal under Section 63 of the A.P. Excise Act, 1968 against the impugned order.

The writ petition is accordingly disposed of. No costs.

Miscellaneous petitions, if any, shall also stand disposed of.

A.V.SESHA SAI, J