

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

W.P.No.29680 of 2017

ORDER:

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

2. A show cause notice bearing Rc.No.92/2017/B2 dated 18.8.2017 issued by the Prohibition and Excise Superintendent, Machilipatnam, Krishna district, calling upon the petitioner to show cause as to why the licence held by the petitioner should not be suspended. In response to the said show cause, petitioner herein submitted an explanation on 30.8.2017, denying the allegations. In the said explanation, petitioner herein also stated that he did not sell the stock to the accused and that she sent five different persons to get the liquor bottles and that the petitioner is not selling more than a bottle to a single person as per the instructions of the Department. In the explanation, petitioner further stated that the accused did not say that she purchased the stock from the petitioner.

3. According to the learned counsel for the petitioner, the very issuance of the show cause notice is highly illegal, arbitrary and violative of Articles 14 and 19(1)(g) of the Constitution of India.

4. Since the petitioner herein admittedly, after receipt of the show cause notice dated 18.8.2017, submitted explanation, denying the allegations made against him, this Court deems it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the explanation dated 30.8.2017 submitted by the petitioner to the show cause notice dated

18.8.2017 and to take further action, in accordance with law, after giving opportunity to the petitioner herein.

4. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 1.9.2017
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A.V.SESHA SAI, J



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1.9.2017

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