

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

WRIT PETITION No.29955 of 2017

ORDER:

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

Followed by registration of Cr.No.25/2017 on 08.08.2017 under Section 34(a) of the A.P.Excise Act 1968 on the file of the Station House Officer, Yerraguntla against one Sri O.Ramanjaneya Reddy, the Prohibition & Excise Superintendent, Proddutur issued the impugned show cause notice bearing Rc.No.A4/263/2017 dated 09.08.2017. By way of the impugned show cause notice, the Prohibition & Excise Superintendent, Proddutur called upon the petitioner to show cause as to why appropriate action, for the alleged contravention of the A.P.Excise Act, 1968 and the A.P.Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012, should not be taken.

According to the learned counsel for the petitioner, the very initiation of the action of issuing the impugned show cause notice dated 09.08.2017 on the basis of confessional statement of the accused in Cr.No.25 of 2017 is impermissible.

On the other hand, it is the submission of the learned Government Pleader that the notice impugned in the present

Writ Petition is only a show cause notice and it is open for the petitioner to submit explanation for consideration of the same by the Prohibition & Excise Superintendent, Proddutur-third respondent herein and the same will be considered in accordance with law.

This Court deems it appropriate to dispose of the Writ Petition, leaving it open for the petitioner to submit an explanation to the impugned show cause notice within a period of two weeks from today. Thereafter, it is open for the respondents to take further action and to pass final orders in accordance with law after giving opportunity of hearing to the petitioner herein.

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.

A.V.SESHA SAI, J

05th September, 2017

Note:

*Furnish C.C. of the order
by 08.09.2017*

*B/o
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