

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6174 OF 2017

ORDER:

Suspension of A-4 shop licence granted to the petitioner, pending enquiry, has been challenged in the present writ petition.

The learned counsel submits that the allegation in the impugned order of suspension, is that the servant of the petitioner indulged in malpractice and nothing is attributed to the petitioner, who is the licence holder. He further contended that no opportunity of hearing was given to the petitioner and the impugned order was passed violating the principles of natural justice. In these circumstances, he prays for suspension of the impugned order, pending enquiry.

The learned Government Pleader for Prohibition and Excise opposed the above submissions on the ground that the impugned order is only suspension of the licence of the petitioner pending enquiry and normally this court, except in exceptional circumstances, will not interfere with the said order. As there are no exceptional circumstances, he submits that this court may not interfere with the impugned order.

Suspension pending enquiry has been made on the allegations of the nowkarnama is not selling at MRP price while conducting sale of IMFL. The 4th respondent who is the competent authority has to consider these aspects by examining whether there is deliberate act on the part of the petitioner or whether there is any express or implied consent of the petitioner for the acts of his servant. Therefore, in these circumstances, suspension pending enquiry, cannot be interfered with. However, considering the fact that the petitioner has made huge investments and also the submission of the learned counsel for the petitioner that on previous occasions, various attempts have been made by the competitors

of the petitioner to malign the business of the petitioner, I am inclined to direct the authority to conclude the enquiry within a short period.

Having regard to the facts and circumstances and the submissions of the learned counsel, the writ petition is disposed of at the stage of admission directing the 4th respondent to conclude the enquiry, by considering the objections if any raised by the petitioner and further objections that may be raised, within a period of one week from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

DATE:22.02.2017

Note:

C.C. forthwith.

B/O

Gk.



CHALLA KODANDA RAM,J

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Gk

