

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN
&
THE HON'BLE SMT JUSTICE T. RAJANI
WRIT APPEAL No.826 of 2017

JUDGMENT: (Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The proceedings under challenge in the writ petition, is the order dated 08.06.2017, suspending the petitioner's licence relating to an A4 retail shop, on the ground that a bottle of Mc Dowell's No.1 Whiskey was sold for Rs.10/- above the MRP.

Sri N. Sreedhar Reddy, learned counsel for the appellant, would question the order on several grounds including that the decoy was himself the panch witness. It is unnecessary for us to examine all these contentions as we are satisfied that the impugned order should be set aside on the short ground that the factors referred to by a Full Bench of this Court, in TAPPERS CO-OPERATIVE SOCIETY, MADDUR v. SUPERINTENDENT OF EXCISE, MAHABUBNAGAR¹, were not considered by the respondent while passing the impugned order.

In the aforesaid judgment, a Full Bench of this Court observed that the question whether suspension of licence should be preceded by notice or opportunity would depend upon various factors such as the degree of urgency involved, the duration of suspension, the nature of breach, public danger to be avoided, and other similar circumstances which warrant immediate action, and where it was not possible, or even advisable, to give a notice to the holders of the licences before passing the order of suspension.

¹ 1984 Law Suit (AP) 263 = 1986(1) AndhWR 387 = 1984(2) APLJ 1

The aforesaid factors should have been borne in mind by the competent authority while taking a decision whether or not the licence should be suspended even without a notice. As it is *ex facie* evident, from a reading of the impugned order, that none of these factors were taken into consideration, the order, impugned in the writ petition, is set aside. Needless to state that this order shall not preclude the competent authority from taking the factors, referred to hereinabove, into consideration, and to pass an order afresh in accordance with law.

The writ appeal stands disposed of accordingly. Consequently, pending miscellaneous applications shall stand closed. There shall be no order as to costs.

RAMESH RANGANATHAN, HACJ

T. RAJANI, J

June 29, 2017

Note: Furnish C.C. in three days.
(B/o) DSK

