

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

WRIT PETITION No.25716 of 2017

Date: 09-08-2017.

BETWEEN:

Alumolu Bapiraju

...Petitioner.

AND

The State of Andhra Pradesh,
Rep by its Secretary,
Revenue (Prohibition and Excise) Department,
Secretariat, Velagapudi,
Amaravathi and others

...Respondents.



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WRIT PETITION No.25716 of 2017

ORDER:

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

2. By way of notice bearing RC.No.238/2017/A3, dated 28-07-2017, the Prohibition and Excise Superintendent, Matchilipatnam-4th respondent herein directed the petitioner herein to shift the A4 shop from existing premises to another suitable premises, within a period of 15 days from the date of receipt of the said notice. According to petitioner herein, he is the licensee of wine shop at Kaikaluru Village of Krishna District and he established the shop in the name and style of Lavanya Wines at D.No.12-213 of the said village. The complaint by the petitioner in the present writ petition is that the fourth respondent herein, without following due process of law, suddenly seized his shop and directed to shift the shop from the existing premises to another premises.

3. On the other hand, the learned Government Pleader, on instructions, submits that the fourth respondent has not seized the shop of the petitioner herein.

4. It is settled proposition of law that any action, which has civil consequences, must necessarily be preceded by notice and opportunity to the persons likely to be affected by such an action. In the instant case, the same is followed more in breach and the impugned notice also does not disclose the issuance of any show

cause notice prior to resorting to impugned action. On this short ground, the writ petition is liable to be allowed.

5. Accordingly, the writ petition is allowed, setting aside the impugned notice bearing No. RC.No.238/2017/A3, dated 28-07-2017, and it is open for the respondents to issue notice and proceed in accordance with law, if they are advised to do so.

6. Miscellaneous petitions pending consideration, if any, in this writ petition, shall stand closed in consequence.

Date: 09-08-2017
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JUTICE A.V.SESHA SAI

