

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

WRIT PETITION No.26671 of 2017

ORDER:

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

The present writ petition challenges the notice bearing Rc.No.266/A6/2017, dated 22.07.2017, issued by the Prohibition & Excise Superintendent, Gudur, SPSR Nellore District, third respondent herein.

By virtue of the impugned notice, the third respondent directed the petitioner to shift his A4 shop, M/s.Mandakini Wines, G.S.No.202, Gudur, situated at door No.38, Ward No.10, Muthyalapeta, Gudur, to another place within Gudur Municipality limits. The third respondent issued A4 licence in favour of the petitioner *vide* proceedings in Rc.No.107/2017/A6, dated 06.07.2017. A reading of the impugned notice shows that a complaint was received through the Deputy Commissioner of Prohibition & Excise, Nellore, stating that the subject shop is situated near the southern gate of Dharmarajula Swamy Temple.

The complaint of the petitioner in the present writ petition is, the third respondent issued the impugned notice without

issuing any show cause notice and without calling for an explanation. A reading of the impugned notice does not indicate anything as regards the issuance of show cause notice prior to the issuance of directions to the petitioner to shift the subject shop. In the considered opinion of this Court, the said action on the part of the respondent authorities is a patent violation of the principles of natural justice and the respondents should have given opportunity to the petitioner before resorting to the impugned action.

For the aforesaid reasons, this writ petition is allowed, setting aside the notice bearing Rc.No.266/A6/2017, dated 22.07.2017, and it is open for the respondent authorities to issue show cause notice and to proceed in accordance with law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

9th AUGUST, 2017.

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