

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

WRIT PETITION No.32709 of 2017

ORDER:

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

The petitioner is a licensee of A4 shop at Jammalamadugu, Kadapa District. The Prohibition and Excise Superintendent, Proddatur, 4th respondent herein, issued the impugned show cause notice, dated 14.09.2017, calling upon the petitioner to show cause as to why appropriate action for the alleged contravention of the A.P. Excise Act, 1968 (for short, "the Act" and the A.P. Excise (Grant of Licence of Selling by shop and conditions of licence) Rules, 2012 (for short, "the Rules) should not be taken.

According to the learned counsel for the petitioner, the very initiation of proceedings by issuing the impugned show cause notice is highly illegal, arbitrary, impermissible and contrary to the provisions of the Act and the Rules.

On the contrary, it is submitted by the learned Government Pleader that the notice impugned in the present writ petition is only a show cause notice and it is always open for the petitioner to raise all his objections before the 4th respondent for consideration of the same. It is also the submission of the learned Government Pleader that the present writ petition is not maintainable and the petitioner is

not entitled for any relief from this Court under Article 226 of the Constitution of India in the absence of any cause of action.

Admittedly, the impugned notice, as correctly pointed out by the learned Government Pleader, is only a show cause notice proposing action under the provisions of the Act and the Rules.

For the aforesaid reason, the writ petition is disposed of, keeping it open to the petitioner to submit his explanation to the show cause notice, dated 14.09.2017, within a period of one week from today, raising all his objections and thereafter the 4th respondent shall consider the same and take appropriate further action strictly in accordance with law, after hearing the petitioner. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

Date: 22.09.2017
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A.V.SESHA SAI, J