

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

WRIT PETITION No.28332 of 2017

ORDER:

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

The show cause notice of suspension, bearing Rc.No.275/2-17/A1, dated 09.08.2017, is under challenge in the present Writ Petition. The petitioner herein is the licensee of A4 shop. The Prohibition & Excise Superintendent, Chittoor, vide proceedings in L.No.CT/136/2017-19, dated 30.06.2017, granted licence in favour of the petitioner herein for the period commencing from 01.07.2017 to 30.06.2019. Consequent upon registration of Cr.No.78 of 2017 under Section 34 (a) of the Andhra Pradesh Excise Act, 1968 against one Sri G.Chinnagurappa, S/o G.Munivenkatappa, the Prohibition & Excise Superintendent, Chittoor issued the impugned show cause notice of suspension.

According to the learned counsel for the petitioner, the impugned show cause notice is highly illegal and arbitrary. He submitted that the alleged seized stock cannot be the basis for issuance of show cause notice, as the same is within the permissible limit. It is further submitted that the petitioner herein has nothing to do with the said stock and the issuance of

proceedings basing on the confessional statement of the accused in the said crime is impermissible.

On the other hand, it is submitted by the learned Government Pleader that the notice under challenge is only a show cause notice and the petitioner herein can submit his explanation and can also bring to the notice of the Prohibition & Excise Superintendent the objections, if any.

According to the learned Government Pleader, the present Writ Petition is a premature one. Admittedly, the notice under challenge is a show cause notice issued by the Prohibition & Excise Superintendent, Chittoor. By way of the impugned show cause notice the Prohibition & Excise Superintendent called upon the petitioner herein to show cause as to why his licence should not be suspended for the alleged violation of the licence conditions. Since no final orders have been passed so far, it is always open for the petitioner herein to file explanation for the said show cause notice and he can object for the proposed action by bringing to the notice of the authorities his version.

For the aforesaid reasons, the Writ Petition is disposed of, keeping it open for the petitioner herein to submit an explanation to the show cause notice, bearing No.275/2-17/A1, dated 09.08.2017, within a period of two weeks from the date of receipt of a copy of this order and, if any such explanation is

filed within the time stipulated, the Prohibition & Excise Superintendent shall consider the said explanation/objections and pass appropriate orders after giving notice and opportunity of hearing to the petitioner herein as per law. Till the said exercise concludes, no coercive action shall be taken.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

23rd August, 2017
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A.V.SESHA SAI, J

