

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

WRIT PETITION No.29933 of 2017

ORDER:

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

The petitioner herein is the licensee of A4 shop bearing licence No.GSL.No.KD/140 dated 01.07.2017. Followed by registration of F.I.R.No.105 of 2017 dated 20.07.2017 under Section 34(a) and 36 of the A.P.Excise Act, 1968 by the Sub-Inspector of Police, Proddutur III Town Police Station, the Prohibition & Excise Superintendent issued a show cause notice bearing Rc.No.A/276/2017 dated 29.08.2017, calling upon the petitioner to show cause as to why appropriate action, for the alleged contravention of the A.P.Excise Act, 1968 and the A.P.Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012, should not be taken. The said show cause notice is under challenge in the present Writ Petition.

According to the petitioner, the very initiation of action by way of the impugned show cause notice, on the basis of the confessional statement of the accused, cannot be sustained and the same is totally without jurisdiction.

On the contrary, it is submitted by the learned Government Pleader that the impugned notice is only a show cause notice. It

is for the petitioner herein to submit explanation before the fourth respondent for consideration of the same in accordance with law.

Since the notice impugned in the present Writ Petition is only a show cause notice, this Court is not inclined to scuttle the further proceedings. This Court deems it appropriate to dispose of the Writ Petition, leaving it open for the petitioner to submit an explanation to the impugned show cause notice within a period of one week from the date of receipt of a copy of this order. If any such explanation is filed, the same may be considered and appropriate orders be passed in accordance with law after giving opportunity of hearing to the petitioner herein.

The Writ Petition is, accordingly, disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

05th September, 2017

Note:

*Furnish C.C. of the order
by 07.09.2017*

*B/o
Tsy*