

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6973 OF 2017

ORDER:

The writ petition is filed seeking to declare the action of the 2nd respondent in cancellation of T.F.T. licence of the petitioners in proceeding CR.No.E1/21/2013, dated 12-06-2013 as illegal and arbitrary and consequently direct the 2nd respondent not to obstruct the petitioners to sell the toddy in counter Nos.4, 6, 8, 10 and 11, as the criminal case in C.C.No.54 of 2016 against the petitioner was acquitted on 26-09-2016.

Learned Government Pleader for Excise opposing the averments made in the affidavit filed in support of the writ petition submits that the T.F.T. licence of the petitioners was cancelled as far back as on 12-06-2013. He further contended that the acquittal of the petitioners giving benefit of doubt does not automatically entitled the petitioners to continue their business as the licence of the petitioners was cancelled under Section 31 of the A.P. Excise Act, 1968 vide proceedings, dated 12-06-2013.

Having considered the respective submissions, it can be seen from the material on record that the Criminal Court has acquitted the petitioners by order, dated 26-09-2016 in C.C.No.54 of 2016. The cancellation of the T.F.T. licence of

the petitioners was on account of allegation of adultery and after due enquiry only the cancellation has been affected.

It is well settled proposition of law that the criminal proceedings are different from the proceedings initiated under the regulatory region. However, some weight is required to be given to the judgment of the Criminal Court acquitting the petitioners. Inasmuch as the petitioner's original licence granted is said to be valid till September, 2017 the interest of justice would be served if the liberty is given to the petitioners to approach the 2nd respondent seeking permission to run the business.

Accordingly, the writ petition is disposed of, keeping it open for the petitioners to submit application to the 2nd respondent to run their business and if any such application is made same be considered and appropriate orders be passed by the 2nd respondent, in accordance with law, within a period of four (4) weeks from the date of filing of the application. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

March 01, 2017

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



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