

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

WRIT PETITION No.29806 of 2017

ORDER:

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

A show cause notice bearing Rc.No.263/2017/A1, dated 02.08.2017, issued by the Prohibition and Excise Superintendent, Chittoor District, 4th respondent herein, is under challenge in the present writ petition.

The petitioner is a 2B licence holder. Followed by registration of Crime No.62 of 2017, dated 24.07.2017, on the file of Prohibition and Excise Station, Madanapalle, against one B. Vinod Kumar, s/o. Raveendra, the 4th respondent, alleging violation of Rule 25 of the A.P. Excise (grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2017, issued the impugned show cause notice, calling upon the petitioner to show cause as to why his licence should not be suspended.

According to the learned counsel for the petitioner, the circumstances do not warrant issuance of even the impugned show cause notice, as such, the same is liable to be set aside. It is also stated by the learned counsel that the impugned show cause notice is completely bereft of any particulars. The affidavit filed in support of the writ petition states that by

abundant caution the petitioner filed explanation to the impugned show cause notice on 11.08.2017.

Since the impugned notice is only a show cause notice, it is open for the petitioner to bring all the realities to the notice of the 4th respondent for consideration in accordance with law by filing explanation. Therefore, this Court does not find any valid reason to meddle with the impugned show cause notice, dated 02.08.2017.

Accordingly, writ petition is disposed of, permitting the petitioner to offer further explanation, within a period of one week from today. If any such explanation is submitted, the same be considered and appropriate orders be passed in accordance with law, after giving opportunity of hearing to the petitioner. No order as to costs.

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

Date: 04.09.2017
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A.V.SESHA SAI, J