

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37430 of 2017

ORDER:

In this writ petition, the challenge is to the order, dated 03.11.2017, of the Prohibition & Excise Superintendent, Tirupathi.

Learned counsel for the petitioner would submit that the order impugned is unsustainable for various reasons and particularly for the reason that in the operative portion of the said order while stating that the licence of the A4 shop of the petitioner is suspended with immediate effect the Station House Officer, Tirupathi, was directed to close down the A4 shop immediately under cover of panchanama and report compliance. He would further submit that despite the orders, dated 10.10.2017, of this Court in the earlier writ petition (W.P.No.33811 of 2017), no opportunity of hearing was provided to the petitioner and, therefore, the order impugned is unsustainable and is liable to be set aside.

Learned Government Pleader representing the respondents endorses the said submissions.

Having regard to the facts and submissions, the Writ Petition is allowed and the order impugned is set aside; and, the matter is remitted to the Prohibition & Excise Superintendent, Tirupathi, for disposal afresh in accordance with the procedure established by law, however, after giving an opportunity of hearing to the petitioner. The said authority shall complete the exercise afore-stated within two (02) weeks from the date of receipt of a copy of this order. Till such exercise is completed the petitioner is entitled to run her business on the subject licence.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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M. SEETHARAMA MURTI, J

14.11.2017

Note: Issue CC by 15.11.2017.

[B/o]

VjI

