

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43265 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents as illegal, improper, arbitrary and against the provisions of A.P. Excise Act, 1968 and consequently set aside the show cause notice vide Rc no. 425/2017/A1- Prohibition and Excise Station Punganur dated 09.12.2017 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Srinath Atmakur*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 to 4. I have perused the material record.

3. In this writ petition, the challenge is to the show cause notice, dated 09.12.2017, whereby the petitioner was called upon to show cause as to why the licence of his shop should not be suspended for the violations mentioned therein and was asked to submit an explanation within seven (07) days from the date of receipt of the said notice. In the said notice, it is also stated that failing compliance of the said condition, further action would be taken in the matter. The petitioner, having submitted an explanation, dated 14.12.2017, approached this Court apprehending coercive action.

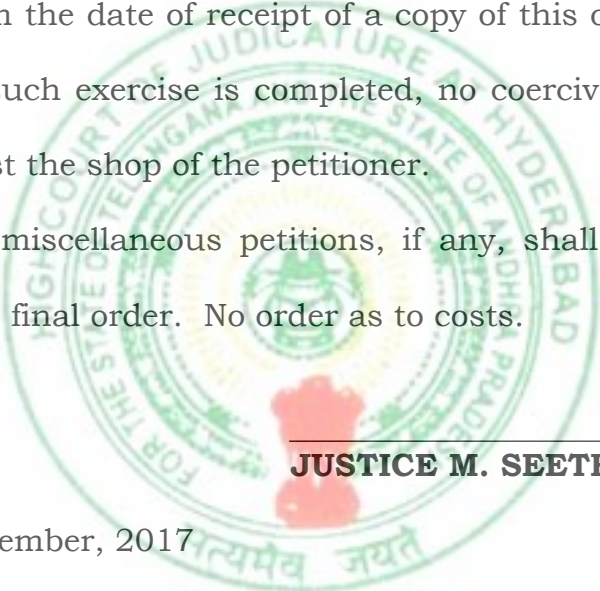
4. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the 4th respondent to consider and

dispose of the explanation of the petitioner, in strict accordance with procedure established by law, and in the meanwhile, the interests of the petitioner are protected, the ends of justice would be met.

5. Learned Government Pleader for Prohibition and Excise appearing for the respondents 1 to 4 endorses the said submission.

6. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 4th respondent to consider and dispose of the explanation, dated 04.12.2017, of the petitioner, in strict accordance with procedure established by law, however, within a period of two (02) weeks from the date of receipt of a copy of this order. It is made clear that till such exercise is completed, no coercive action shall be initiated against the shop of the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



JUSTICE M. SEETHARAMA MURTI

Date: 20th December, 2017

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