

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.44824 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 2nd respondent in issuing the Notice of Forfeiture in M.C.No.A/1039 of 2017, dated 06.06.2017, directing the petitioner to pay the penalty of Rs.1,00,000/- basing on the report given by the 3rd respondent, as illegal and arbitrary and to consequently set aside the same.

2. Heard Sri Kishan Bhukya, learned counsel for the petitioner, the learned Government Pleader for Prohibition and Excise for respondents 1 & 2, and the learned Government Pleader for Home for the 3rd respondent and perused the material available on record.

3. As can be seen from the impugned proceedings, the petitioner does not appear to have been issued with a notice specifying the violation of the terms of the bond, which the petitioner has entered on 30.03.2017.

4. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 2nd respondent to issue notice to the petitioner precisely specifying the violation of the specific terms of the bond, dated 30.03.2017, and give an opportunity to the petitioner to submit an explanation; on receipt of such explanation, the 2nd respondent shall consider the same and pass appropriate orders and communicate the decision taken thereon to the petitioner. The entire exercise shall be completed

within a period of eight (08) weeks from the date of receipt of a copy of this order.

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

There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 29th December, 2017

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