

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

W.P. No.4215 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Prohibition & Excise, AP, for respondents and perused the prayer in the Writ Petition with supporting affidavit and the impugned proceedings in RC.No.238/ 2017/ A.4,dt.22.01.2018 preceded by show cause notice and explanation.

The impugned proceedings,dt.22.01.2018 stated served on the same day from the operative portion speaks pursuant to Section 31 of the A.P.Excise Act, the licence of A-4 shop of M/s Teja wines, is suspended pending further enquiry.

The order is running in three pages. The show cause notice, dt.03.01.2018 and reply received on 10.01.2018 itself are referred in the impugned proceedings as reference Nos. 3 and 4. The allegation speaks that on 31.12.2017, the Sub Inspector(P&E) with STF Team and staff conducted raids at Machavaram village of Rompicherla Mandal, Narasaraopet, and found unauthorized sale point and seized 15 bottles and on verification found the HEAL labels and Batch numbers found removed on the liquor bottles and the person who is in possession of the said liquor bottles disclosed his name as Yenugula Nageshwara Rao of Machavaram village and Cr.No.168/ 2017 of even date registered u/ sec.34(a) of the Act. The show cause notice to the licensee issued to give reply/ explanation within 7 days and explanation submitted stating installed HPFS system for selling liquor according to the Rules, for system not functioned, he sold liquor bottles and issued bills to the customer and the A.1-the person supra bore grudge against him stated as if he bought the liquor from his wine shop. The proceedings further shows including from the disclosure by the said Yenugula Nageshwara

Rao, who is in the habit of selling liquor unauthorizedly for high price by securing from the petitioner's wine shop, through various persons knowing well to the petitioner and on verification of the shop through CC camera surveillance functioning w.e.f. 01.01.2018 only and from R.1 and R.2 Registers, transport permit, Invoice-cum-Delivery challan and ICDS Code have correlated to the quantity relates to the shop of the licensee/ petitioner who is in the habit of clandestine and unauthorized sale of liquor outside on high price through the above person-A.1.

Having regard to the above, there is prima facie case for interim suspension pending enquiry and for this Court nothing to interfere but for to modify said order of interim suspension for indefinite period as unsustainable by limiting to six weeks with a direction to the respondents to complete final enquiry from the reply also given, by fixing a date and after hearing by passing a reasoned order.

Accordingly and in the result, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any pending in this Writ Petition shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:09.02.2018
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