

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.4139, 4140, 4142,4178,
4192 and 4249 OF 2018

COMMON ORDER:

These Writ Petitions are filed by the respective petitioners, under Article 226 of the Constitution of India, seeking a writ of mandamus to declare the notices issued by the District Prohibition and Excise Officer, Khammam, in Crime Nos.177/ 2017/ P&Ex/ A2-4 dated 20.12.2017, 177/ 2017/ P&Ex/ A2-3 dated 20.12.2017, 588/ 2017/ P&Ex/ A3 dated 10.1.2018, 1132/ 17/ P&Ex/ A3 dated 27.12.2017, 1466/ 17/ P&Ex/ A3 dated 27.12.2017 and 1135/ 17/ P&Ex/ A3 dated 27.12.2017, as illegal and arbitrary and consequently to set aside the same.

2. Heard learned counsel for the petitioners and learned Government Pleader for Prohibition and Excise appearing for the respondents and perused the prayer in the writ petitions with supporting affidavits and the material on record.

3. It is stated in the affidavits filed in support of the writ petitions that the impugned notices are not served on the petitioners and there is no opportunity to give reply and the other contention in some of the writ petitions is that the date fixed is happened to be the holiday.

4. It is the submission of the learned Government Pleader that Rule 9-A of the Telangana Excise (Grant of licence of selling by bar and conditions of licence) Rules, 2005 enables to impose penalty for the timely non-payment of the licence fee respectively as

mentioned in the written instructions respectively and there is nothing to interfere with the impugned notices.

5. In fact, the core issue involved in these writ petitions is that sufficient opportunity is not given to the petitioners to submit their explanations pursuant to the said Rule for the justification to impose penalty consequently from the timely non-payment of the licence fee. More over, there is nothing stated in the written instructions with regard to service of the impugned notices on the petitioners.

6. Having regard to the above, these Writ Petitions are disposed of by treating the impugned notices as show cause notices and the petitioners are directed to submit their explanations within one week from the date of receipt of copy of this order and the authorities shall pass fresh orders pursuant thereto. In the meanwhile, no coercive steps shall be taken by the respondents pursuant to the impugned notices.

Miscellaneous petitions pending, if any, shall stand closed.

No costs.

Date: 05.03.2018
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Dr. B. SIVA SANKARA RAO, J