

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.4865 of 2018

ORDER:

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

“to issue a writ of mandamus or any other appropriate writ or direction declaring the order of the 4th respondent passed in RC.No.PESRJY-IMLOIML(Licn)/ 19/ 2018-JA(A)-RJVM, dated 12.02.2018 as illegal, arbitrary, in violation of principles of natural justice and contrary to the provision of the Andhra Pradesh Excise Act, 1968 and the Rules made there under and consequentially set aside the proceedings of the 4th respondent in RC.No.PESRJY-IMLOIML(Licn)/ 19/ 2018-JA(A)-RJVM, dated 12.02.2018, pass such other or further orders as

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. Though, otherwise, this writ petition has to be allowed in toto, for, a final order, without sustainability for not mentioning as pending enquiry and if at all under Section 31 of the A.P.Excise Act, the final order to be passed must be after notice and giving opportunity to file reply/objections and on conducting enquiry and supported by the reasons. However, at this stage, it is the submission of both sides that an enquiry is contemplated and pending enquiry interim suspension order is passed, thereby, writ petition is allowed to the above extent. However, remedy of the petitioner is left open to impugn that fresh order passed by the Authorities to decide on own merits.

4. Accordingly, this Writ Petition is allowed.

5. Consequently, miscellaneous petitions, if any shall stand closed.

No order as to costs.

JUSTICE Dr. B. SIVA SANKARA RAO

Date: 15.02.2018
pab