

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No. 282 of 2018

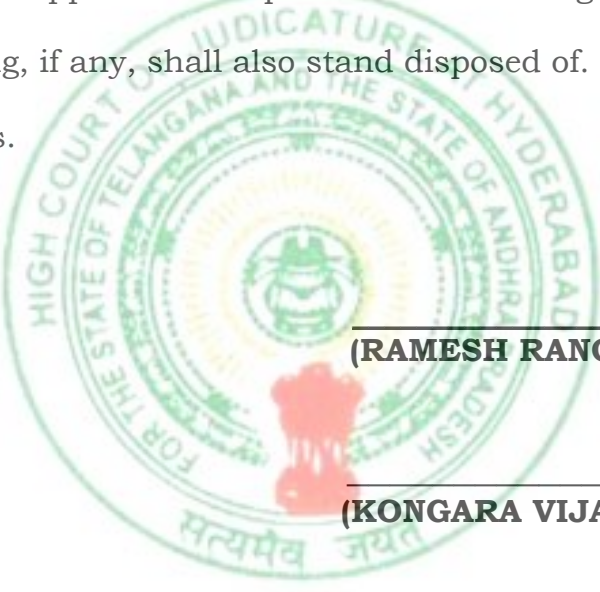
Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

After arguing for some time, Sri O. Manohar Reddy, learned counsel for the appellant-writ petitioner, would submit that the order, impugned in the Writ Petition, is an order suspending the appellant-writ petitioner's licence pending enquiry under Section 31 of the A.P. Excise Act, 1968 (hereinafter referred to as "the Act"); the learned Single Judge had, in the order under appeal, confined the order of suspension only for a period of six weeks from the date of receipt of the impugned proceedings so that, in the meanwhile or later, the respondents could pass final order pursuant to the show cause notice to be issued; the order of suspension was received by the appellant-writ petitioner on the very same day ie, 23.1.2018, and the six weeks period would expire today, ie 6.3.2018; and instead of adjudicating the appeal on merits, it would suffice if this Court would consider making it clear that, in terms of the order passed by the learned Single Judge, the appellant-writ petitioner is entitled to carry on business from tomorrow.

Learned Government Pleader for Prohibition and Excise would submit that the order, impugned in the Writ Petition, is an order suspending the appellant-writ petitioner's licence pending enquiry; the said order is only as an interim measure, and is subject to the outcome of the enquiry to be conducted against the appellant-writ petitioner; and any order which this Court may pass may not be construed as precluding the respondents from conducting an enquiry, and in imposing punishment on the appellant-writ petitioner thereafter in accordance with law.

In the light of the rival submissions, as noted hereinabove, suffice it to hold that since, in terms of the order passed by the learned Single Judge, the period of suspension pending enquiry expires today, it is open to the appellant-writ petitioner to carry on their business from tomorrow ie 7.3.2018, subject to the result of the enquiry pending against him. It is also made clear that neither the order of the learned Single Judge, nor the order now passed by us, shall disable the respondents from completing the enquiry with utmost expedition and, depending on the outcome of the enquiry, to take necessary action under Section 31 of the Act and in accordance with law.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

6th March, 2018

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