

WRIT PETITION No.5222 of 2018

ORDER:

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

“to issue an appropriate order, direction or writ more particularly one in the nature of Writ of Mandamus, declaring action of Respondent No.7, in passing the impugned order in R.C.No.124/2017/B2 dated 30.1.2018 suspending the operation of A4 shop of M/s.Prudhvi Wines, G.S.L.No.KR/129, L.No.39/2017-19, Gannavaram village of Gannavaram granted in favour of Mulpuru Sudheer-Petitioner herein pending disposal of enquiry, to be arbitrary, capricious, irrational, illegal and without authority of law and to consequently set-aside the same and to pass such other order or orders as this Hon'ble Court deems fit and proper”

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 impugned order.

3. As dealt with by this Court in detail on the scope of law in W.P.No.1359 of 2018 and batch, leave about there is no fundamental right to the enforceability under Article 19(1)(g) of the Constitution of India in relation to liquor business including to the licensee, but for, practically contractual, strictly governed by the provisions, rules and conditions, once there is a violation and there is suspension pending enquiry in the public interest and to recoup loss of revenue from the explanation even giving of show cause notice any consideration of the same for final order and in the meantime any suspension not a bar is the conclusion arrived.

4. Having regard to the above, there is nothing to interfere with the impugned reasoned order, but for, to confine the said suspension pending enquiry to a period of six weeks to complete the final enquiry and pass appropriate orders. Even otherwise this interim suspension beyond six weeks shall not continue.

5. With the above directions and observations, this Writ Petition is disposed of.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.02.2018

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