

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5654 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader from oral instructions on behalf of the respondents and perused the prayer in the writ petition with supporting affidavit and the impugned proceedings, dated 09.02.2018, of the Superintendent, Prohibition and Excise, Narasaraopet, and other material on record.

2. The prayer in the writ petition reads as follows:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent herein in suspending the license of the petitioner in respect of his A.4 shop M/s.Keerthi Wines bearing L.No.GT/288/2017-19, Atchampet Village & Mandal, Guntur District, A.P. vide Order in Rc.No.26/2018/A4, dated 09.02.2018 of the Superintendent of Prohibition & Excise, Narasaraopet/4th respondent herein without giving opportunity to submit his explanation under Section 31 of A.P. Excise Act as biased, arbitrary and violation of principles of natural justice and unknown to the provisions of the Andhra Pradesh Excise (Grant of license of selling by shop and Conditions of License) Rules, 2012 and also offends the Articles 14, 19 and 21 of the Constitution of India and consequently set aside the aforesaid Order in Rc.26/2018/A4, dated 09.02.2018 of the Superintendent of Prohibition & Excise, narasaraopet/4th respondent to meet the ends of justice and pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

3. It is the contention of the learned counsel for the petitioner with supporting writ petition affidavit averments that he is conducting business without contravention any of the conditions of the licence or the provisions of the A.P. Excise Act, 1968 (for short, 'the Act') and the Rules made thereunder and the Superintendent, Prohibition and Excise, issued impugned notice, dated 09.02.2018, suspending the license pending enquiry.

4. A perusal of the impugned proceedings of suspension pending enquiry referred to the facts of selling for high price and it is referred to violating the Rule 42 of the A.P. Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2012. So far as the suspension pending enquiry concerned, the law is fairly settled right from the Full Bench judgment of this Court in **Tappers Cooperative Society, Maddur v. Superintendent of Excise, Mahabubnagar**¹, reiterated in series of expressions including by the batch of writ petitions disposed by this Court in W.P.No.1359 of 2018, dated 08.02.2018, of giving of show-cause notice not necessary and giving of show-cause notice or any explanation to it is not even a bar to the suspension pending enquiry nor any person can complain about violation of principles of natural justice for not a fundamental right of liquor business or licence, but for a privilege conferred practically a contractual relation and governed by the conditions of licence and Rules. Further, the series of expressions clearly say that for suspension pending enquiry, the twin objects are public interest and

¹ 1984 (2) APLJ Page 1

loss of revenue to the Government from the abuse of the licence conditions. The impugned proceeding clearly discloses that the continuation of the shop for violation of the licence conditions and the Rules supra is detriment to the public interest, thereby suspended with immediate effect.

5. Having regard to the above, there is nothing to interfere with the impugned proceedings, but for to say the order shall not be indefinite, thereby confining to six weeks.

6. Accordingly, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

21st February 2018

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Dr. B. SIVA SANKARA RAO, J

