

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

Writ Appeal No.444 of 2018

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.3055 of 2018 dated 08.02.2018. W.P.No.3055 of 2018 formed part of a batch of Writ Petitions in W.P.No.1359 of 2018 and batch which were disposed of by a common order dated 08.02.2018.

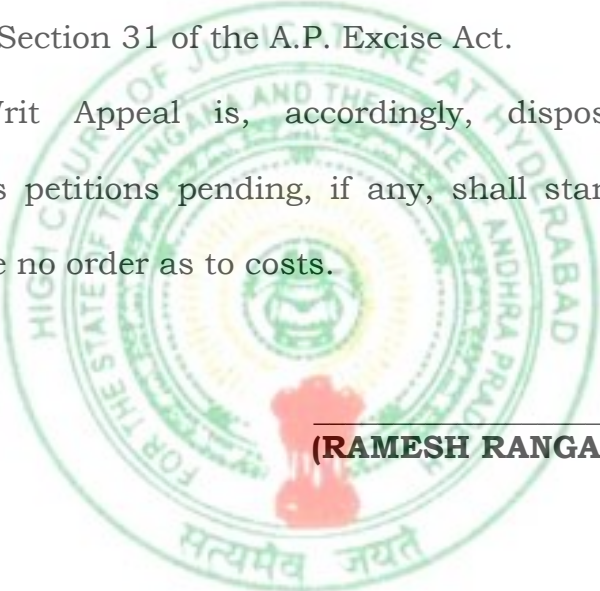
While refusing to interfere with the order of suspension, the Learned Single Judge, however, restricted the period of suspension to six weeks from the date of receipt of the impugned proceedings, and further observed that, in the meanwhile, it was open to the respondents to pass final orders pursuant to the show-cause notice to be issued, if not already issued, to the writ petitioners. The fact that a show-cause notice was issued on 20.01.2018 is admitted.

While Sri K.Durga Prasad, Learned Counsel for the appellant, would draw our attention to the documents, filed along with the Writ Appeal, to submit that the appellant had submitted their reply to the show-cause notice, Learned Government Pleader for Prohibition and Excise would contend that no such copy was served on the respondents till date.

While we find no error in the order under appeal necessitating interference in proceedings under Clause 15 of the Letters Patent, the fact remains that the six weeks period of

suspension, stipulated in the order under appeal, expired by 12.03.2018; and, since the respondents have not questioned the validity of the order under appeal, the appellant would undoubtedly be entitled, in terms of the order of the Learned Single Judge, to carry on business from today onwards. Suffice it to make it clear that, since a copy of the reply to the show-cause notice is enclosed along with the Writ Appeal, it is open to the respondents to pass final orders, pursuant to the show-cause notice issued earlier, taking into consideration the reply to the show-cause notice enclosed along with the Writ Appeal; and take action under Section 31 of the A.P. Excise Act.

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



(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

Date: 13th March, 2018.

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