

The Hon'ble Sri Justice Abhinand Kumar Shavili

Writ Petition No.17362 of 2018

Date: 10.05.2018

Order:

This Writ Petition is filed seeking a writ of *Mandamus* declaring the impugned proceedings in Rc.No.A/73/2018, dated 30-04-2018, on the file of respondent No.3 as illegal, arbitrary and violative of the provisions of the Andhra Pradesh Excise Act, 1968 (for short 'the Act'), and the Rules made thereunder.

Heard Sri V.R.Avula, learned Counsel for the petitioner, and the learned Government Pleader for Prohibition & Excise (AP) appearing for the respondents.

It is contended by the petitioner that he was granted wine shop licence on 07-07-2017; that he has been running the wine shop without any complaint; that the officials of the respondents had visited the said shop on 19-03-2018 and conducted a check; and that they had, allegedly, found that he was indulging in adulteration of liquor. In those set of circumstances, show cause notice was issued to the petitioner on 11.04.2018, to which he has submitted an explanation on 17-04-2018.

The petitioner's grievance is that without considering his explanation, respondent No.3 has passed the impugned order on

30-04-2018 suspending his licence, pending final orders to be passed under Section 31 of the Act.

Mr.V.R.Avula, learned Counsel for the petitioner, submitted that this Court has disposed of a batch of similar Writ Petitions viz., W.P.No.1359 of 2018 and batch, on 08.02.2018, wherein it had confined the period of suspension of the license to a maximum of six weeks. However, liberty was given to the respondents therein to pass final orders under Section 31 of the Act by following the due process of law.

Learned Government Pleader for Prohibition and Excise (AP) has contended that there is a right of Appeal provided to the petitioner before respondent No.2 and that, without availing the said alternative remedy, the petitioner has straightaway filed this Writ Petition. However, the learned Government Pleader had, in principle, agreed that this Court in the abovesaid batch of Writ Petitions has confined the period of suspension of the license to six weeks from the date of receipt of the proceedings suspending the license.

Having considered the submissions made by the rival parties, this Court is of the considered view that ends of justice would be met, if the Writ Petition is disposed of directing the respondents to confine the period of suspension of the petitioner's license to six weeks. However, liberty is given to the respondents to pass

appropriate final orders under Section 31 of the Act in pursuance of show cause notice, dated 11.4.2018, within six weeks from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of, however, without costs.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Abhinand Kumar Shavili, J)

Dt: 10th May, 2018
Lur/dr

