

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18179 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise appearing for the respondents.

The order, dated 21.05.2018, passed by the Prohibition & Excise Superintendent, Gajuwaka-second respondent herein, suspending the licence of A4 shop, belonging to the petitioner herein, vide proceedings in File No.PE-DETOCR/10/2018-JA(A3)-ESGWK, is under challenge in the present Writ Petition.

Petitioner herein is the owner of a wine shop and he was granted A4 licence for a period of two years commencing from 01.07.2017 to 30.06.2019. On the ground that the petitioner herein violated condition (1) of the licence form, the impugned order came to be passed by the second respondent herein. In connection with the present issue, Cr.No.82/2018 has been registered on the file of the Station House officer, Gajuwaka under Section 34 (a) of the A.P.Excise Act, on the ground that the salesman of the petitioner's shop sold liquor bottles.

According to the learned counsel for the petitioner, the person who is shown as A2 in the said crime namely Raghu Rami has nothing to do with the petitioner herein and he is not

even issued with Naukar Nama by the petitioner herein and the impugned action is not warranted in the facts and circumstances of the case.

On the other hand, it is submitted by the learned Government Pleader that, earlier also in view of the involvement of the petitioner in a crime, Cr.No.18/2018 was registered and the said offence was compounded by the Commissioner of Prohibition & Excise, Vijayawada, imposing compounding fee of Rs.1,00,000/- and the said amount was remitted by the licensee. It is further submitted by the learned Government Pleader that enquiry will be completed within a period of two weeks and appropriate action will be taken as per law.

Having heard the learned counsel for the petitioner and the learned Government Pleader, taking into consideration the submissions advanced by them, this Court, in the facts and circumstances of the case, deems it appropriate to dispose of the Writ Petition with a direction to the Prohibition & Excise Superintendent, Gajuwaka-second respondent herein to complete the enquiry and pass appropriate final orders, pursuant to the impugned order, after giving opportunity of hearing to the petitioner herein within a period of two weeks from the date of receipt of a copy of this order. Till the said exercise is completed, the impugned order, dated 21.05.2018, shall remain suspended.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

05th June, 2018
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A.V.SESHA SAI,J

