

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.21470 of 2018

ORDER:

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

The show cause notice, bearing Rc.No.A1/334/2017, dated 18.06.2018, issued by the Prohibition & Excise Superintendent, Kadapa-third respondent herein, is under challenge in the present Writ Petition.

By way of the said impugned notice, the third respondent directed the petitioner to show cause as to why 2B licence of the petitioner herein should not be suspended under Section 31 (1) (b) of the A.P.Excise Act, 1968 (for brevity, 'the Act'), alleging violation of Rules 24 and 25 of the A.P.Excise (Grant of licence of selling by Bar and conditions of licence) Rules, 2017, by storing 591 bottles of IML, which were supplied to M/s Vennela Restaurant & Bar, Kadapa, for the previous lease years in an unauthorized place.

According to the learned counsel for the petitioner, the very issuance of show cause notice is unauthorized and cannot be sustained in the eye of law.

On the other hand, it is submitted by the learned Government Pleader that, since the impugned notice is only a show cause notice, it is always open for the petitioner herein to submit an explanation so as to enable the third respondent to take appropriate action as per law.

Since the challenge is against a show cause notice, this Court is not inclined to grant any relief in the present Writ Petition. However, it is open for the petitioner herein to submit an explanation, within a period of ten days from today, and, if any such explanation is submitted to the impugned show cause notice, dated 18.06.2018, within the time stipulated above, the same be considered and appropriate orders be passed, strictly in accordance with law.

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

Miscellaneous petitions pending, if any, shall stand closed.

26th June, 2018

Note:

*Furnish C.C. of the order
by 27.06.2018.*

*B/o
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A.V.SESHA SAI,J

