

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

WRIT PETITION No.32625 of 2018

ORDER:

Heard learned Counsel for the petitioner and the learned Government Pleader for the respondents.

2. An Order passed by the Prohibition and Excise Superintendent, Palasa/R.4 herein vide proceedings Rc.No.103/2017/A5, dated 27.08.2018, suspending the A4 licence of the petitioner herein pending enquiry on the ground that in the raid conducted on 25.08.2018 by the Prohibition and Excise Inspector, Sompeta, along with his staff and Prohibition and Excise Sub-Inspector, Enforcement Wing, Srikakulam, they found the activity of loose sales in M/s.Sahu Wines, is under challenge. It is alleged in the said Order that the petitioner herein violated the Licence Conditions of A.P.Excise (Grant of License of Selling by Shop and Conditions of License) Rules, 2012 (hereinafter, referred to, as 'the Rules').

3. According to the learned Counsel for the petitioner, the impugned action, in the facts and circumstances of the case, is not warranted and in a routine manner, the Prohibition and Excise Superintendent suspended the license of the petitioner herein without any valid reasons.

4. On the other hand, learned Government Pleader, submits that there is absolutely no illegality nor there exists any procedural infirmity in the impugned action and since the enquiry is pending before the Prohibition and Excise

Superintendent, Palasa/R.4 herein, it is open for the petitioner herein to participate in the enquiry by offering his explanation. It is further submitted by the learned Government Pleader that within a period of three weeks the enquiry will be completed.

5. Having heard the learned Counsel for the petitioner and the learned Government Pleader and having regard to the allegations made in the impugned Order, this Court deems it appropriate to dispose of the Writ Petition, directing the Prohibition and Excise Superintendent/R.4 herein to conclude the enquiry and pass final Orders in the matter, within a period of three weeks from the date of receipt of a copy of this Order. If the enquiry is not completed and final Orders are not passed within the said period, the petitioner herein shall be permitted to carry on the business.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

25th September, 2018
smr

A.V.Sesha Sai, J