

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.35938 of 2018

ORDER:

The order passed by the Prohibition & Excise Superintendent/4th respondent vide G.Sl.No.15/2017-19/B2 dated 01.10.2018 suspending the A-4 license of the petitioner herein under the provisions of Clause (b) of Sub Section (1) of Section 31 of A.P.Excise Act, 1968 (for short 'the Act') is under challenge in the present writ petition.

Followed by a raid conducted and registration of Crime No.40/2018 on the file of Prohibition and Excise Station, Guntur-I under Section 41 of the Act r/w Rule 42 of A.P.Excise (Grant of Licence of selling by shop and conditions of licence) Rules, 2012, the impugned order came to be passed by the Prohibition & Excise Superintendent on the allegation that the petitioner herein has indulged in collecting excess sum of Rs.5/- on maximum retail price.

According to the learned counsel for the petitioner, impugned action in the facts and circumstances of the case is unwarranted and is arbitrary and illegal and it is nothing but arbitrary exercise of power. It is further submission of the learned counsel that the provisions of Section 31 of the Act do not empower the Prohibition and Excise Superintendent to pass the impugned order without being preceded by a show cause notice. The said contention cannot be sustained in view of the decision of Full Bench of this Court in **Tappers Co-operative Society, Maddur v. Superintendent of Excise, Mahaboobnagar**¹.

¹ 1984 (2) APLJ 1

Since this is an action pending enquiry, this Court deems it appropriate to dispose of the writ petition with a direction to Prohibition and Excise Superintendent to complete enquiry and pass final orders strictly in accordance with law within a period of two weeks from the date of receipt of copy of this order. If no orders are passed by the Prohibition and Excise Superintendent within the time stipulated above, petitioner herein be permitted to carry on the business.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

Date :10.10.2018
dv

JUSTICE A.V.SESHA SAI

