

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.37767 of 2018

ORDER:

An order passed by the Prohibition & Excise Superintendent, Anakapalli vide Rc.No.210/2017/A3, dated 22.09.2018 canceling A-4 licence of the petitioner herein and ordering confiscation of the stock is under challenge in the present writ petition.

It is submitted by the learned counsel that without any notice and opportunity of hearing, the impugned action has been resorted to and the same in violation of principles of natural justice and against the very spirit of the A.P. Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Act and Rules framed therein.

A perusal of the impugned order reveals nothing with regard to affording an opportunity to petitioner herein before resorting to the orders of confiscation and cancellation of A-4 license which is in violation of principles of natural justice and is also contrary to Section 31 of the Act. Therefore, on this ground alone, the impugned order cannot be sustained.

For the aforesaid reasons, the writ petition is allowed setting aside the order dated 22.09.2018. However, it is open for the respondent to pass appropriate orders after giving notice to the petitioner and after giving opportunity of hearing for the petitioner. No order as to costs.

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

JUSTICE A.V.SESHA SAI

Date :12.10.2018
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