

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39149 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings of the fourth respondent in Pc.No.269.2018/ A1, dated 26.10.2018, as illegal, arbitrary and in violation of principles of natural justice.

2) The only ground urged by the learned counsel for the petitioner is that the impugned order suspending the licence of the petitioner, pending enquiry, is illegal in view of the orders passed by this Court in W.P.No.32710 of 2018.

3) As seen from the record, on 01.09.2018, the Prohibition and Excise Superintendent, Chittoor, passed an order suspending the licence granted to the petitioner until further orders, pending enquiry. The same was challenged by the petitioner in W.P.No.32710, which was disposed of on 03.10.2018, holding as under:

“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, with a direction to the Prohibition and Excise Superintendent/ R.4 to conclude the enquiry and pass

final orders in the matter, within a period of four weeks from today. It is made clear that if no orders are passed within the said period, the petitioner herein shall be permitted to carry on his business.”

4) After passing of the order in W.P.No.32710 of 2018, the impugned proceedings came to issued holding that “by virtue of powers vested under Section 31 (1) (b) of A.P.Excise Act, 1968, since the orders issued by the licencing authority in the reference sixth cited does not suffer from any infirmity, the order is confirmed” .

5) The learned counsel for the petitioner would submit that the order is patently illegal since suspension cannot be for an indefinite period. It is stated that the authorities have to pass final order suspending the licence for a particular period or cancel the licence granted to the petitioner.

6) On the other hand, the Government Pleader for Prohibition and Excise, oppose the same, stating that since notice came to be issued to the petitioner, it cannot be said to be in violation of principles of natural justice.

7) Having regard to the above and since the impugned order came to be passed suspending the licence for indefinite period, which is contrary to law, the impugned order is *set aside* and the fourth respondent is directed to pass a fresh

order in accordance with law. However, it is always open to the authorities to pass interim orders.

8) Accordingly, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

06.11.2018
gkv

