

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39407 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of impugned proceedings vide Rc.No.535/2018/A1, dated 19.10.2018, as illegal and arbitrary.

2) The averments in the affidavit filed in support of the writ petition would show that the third respondent vide orders dated 07.12.2017, granted (A4) licence in favour of the petitioner to sell Indian made foreign liquor and foreign liquor in the premises at door No.12-112, Chinnayyapeta village, Regidi Amudalavasala mandal, Srikakulam District, in the name and style M/s.Rohit Beer & Wines. Pursuant thereto, the petitioner established his business and is doing the same in accordance with law. While things stood thus, the impugned notice came to be issued on 19.10.2018, suspending the A4 licence granted to the petitioner, on the ground that when respondent No.4 went for a surprise check to the shop of the petitioner, he noticed one person returning from the counter with one liquor bottle. The raid party stopped the said person, who purchased 750 ml. of officers choice reserve whiskey liquor bottle and questioned him, to which he replied that he purchased the bottle at Rs.400/- as against MRP of Rs.390/-. Since the sale was at a higher price than the MRP, the impugned order came to be passed on the same day.

- 3) Sri V.R.Avula, learned counsel for the petitioner would submit that though the order was passed on 19.10.2018, by suspending the licence pending further enquiry, but till date, no show cause notice is issued and that the suspension cannot be for an indefinite period.
- 4) Learned Government Pleader who took time to get instructions, states across the Bar that no show cause notice is issued till date.
- 5) In view of the above, the order dated 19.10.2018, suspending the licence until further orders appears to be illegal. Things would have been different had any show cause notice was issued. In the absence of any show cause notice being issued till date and as more than 14 days lapsed from the date of the order of suspension, the order under challenge is set aside, giving liberty to the authorities to issue show cause notice and then proceed in accordance with law.
- 6) Accordingly, the writ petition is disposed of.
- 7) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

02.11.2018

vhb