

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39768 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 Rc.No.103/ 2017/ A5, dated 16.10.2018, 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.32625 of 2018.

3) As seen from the record, on 27.08.2018, the Prohibition and Excise Superintendent, Palasa, 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.32625 of 2018, which was disposed of on 25.09.2018, 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, directing the Prohibition and Excise Superintendent/ R.4 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 the 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.”

4) After passing of the order in W.P.No.32625 of 2018, the impugned proceedings came to issued holding that the suspension order issued earlier is substantiated and hence the suspension of A4 shop licence in G.Sl.No.217/ 2017-19, Kanchili Village and Mandal, is hereby upheld.

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

05.11.2018
gkv

