

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40388 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the order dated 06.11.2018 in Rc.No.A/172/2018, passed by respondent No.4, suspending the licence bearing No.KD/163/2017-19 in Form A4, issued in favour of the petitioner, as illegal and arbitrary.

2) A reading of the order impugned shows that initially a show cause notice was issued on 27.10.2018, to which an explanation was submitted on 02.11.2018. Thereafter, final order came to be passed on 06.11.2018. The operative portion of the order clearly indicates that suspension of licence was for an indefinite period, which as has been dealt by this Court, is prima facie incorrect since suspension can only be for a prescribed period.

3) Learned Government Pleader opposed the application stating that since it is a final order, there is nothing wrong in suspending the licence for an indefinite period.

4) But, time and again this Court has held that an order of suspension, more particularly, when it is a final order cannot be for an unlimited period. Hence, order under challenge is set aside and the matter is remanded back to the office of the Prohibition Excise Superintendent—

respondent No.4, directing him to pass appropriate orders, in accordance with law, after hearing all the concerned.

5) Accordingly, the writ petition is allowed and remanded.

6) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

09.11.2018
vhh

