

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41600 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“to issue a writ of mandamus or any other appropriate writ or direction declaring the order of the 4th respondent passed in Rc.No.247/2017/A3 dated 13.11.2018 suspending the licence of the petitioner as illegal, arbitrary and in violation of principles of natural justice.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Prohibition and Excise (AP) appearing for the respondents. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that the impugned proceedings are a result of a confessional statement said to have been made by a third party and that in the absence of something more, apart from merely such a confessional statement, suspension of licence of A-4 shop of the petitioner is illegal and is liable to be set aside in view of the settled legal position in the decision, dated 26.02.2018, of a Division Bench of this Court in Writ Appeal No.280 of 2018. He would also submit that after the explanation is given, no reasoned order is passed and that by simply stating that the explanation is not satisfactory, the impugned order has come to be passed and that in the case on hand, the order of suspension is passed pending enquiry without specifying any period and that for the said reasons, the impugned order is liable to be set aside.

4. Learned Government Pleader appearing for the respondents submits that as it is being contended that the impugned order is one passed without assigning reasons, if the Court agrees with the said submission, the impugned order of the 4th respondent may be set aside reserving liberty to the 4th respondent to pass a fresh order in accordance with the procedure established by law.

5. Having regard to the submissions, the Writ Petition is disposed of setting aside the impugned order and reserving liberty to the 4th respondent to pass orders afresh after affording an opportunity of personal hearing and by following the procedure established by law.

There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 22.11.2018

Note:- Furnish C.C. on 26.11.2018.

B/O
AMD

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DATE: 22.11.2018

AMD