

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.46287 of 2018

Order:

The present writ petition came to be filed seeking the following relief:

“to issue a writ, order or direction, particularly one in the nature of writ of mandamus, declaring the proceedings in Rc.No.79/2017/A3 dated 12.12.2018 passed by the 4th respondent whereby suspending the License bearing No.PR/36/2017-19 issued in Form-A4 in favour of the petitioner, as illegal, arbitrary and contrary to provisions of A.P. Excise Act and Rules made thereunder and consequently set aside the proceedings in Rc.No.79/2017/A3 dated 12.12.2018 passed by the 4th respondent”.

2. Pursuant to the show cause notice dated 23.11.2018, the petitioner is stated to have submitted his explanation on 01.12.2018 and thereafter, the impugned order dated 12.12.2018 came to be passed, suspending the license of the petitioner. The main argument of the learned counsel for the petitioner is that, suspending the license for an indefinite period as a measure of punishment, is not valid. It is his plea that the authorities can suspend the license only for a limited period. When already explanation has been submitted, the question of suspending the license pending investigation, does not arise.

3. The learned Government Pleader on instructions opposed the same and stated that having regard to the nature of the allegations,

the impugned order has been issued and hence, prayed for dismissing the writ petition.

4. The Full Bench judgment of this Court in **Tappers Cooperative Society, Maddur v. Superintendent of Excise, Mahabubnagar(supra)**¹, categorically held that the licensing authority is bound to afford an opportunity and the power of suspension pending enquiry should not be exercised as an invariable rule or mode of making an enquiry.

5. Since the impugned order came to be passed suspending the license of the petitioner for an indefinite period, which cannot be done as a measure of punishment, the order under challenge is set aside.

6. The writ petition is, accordingly, allowed.

7. Miscellaneous petitions if any, shall stand closed.

(C.PRAVEEN KUMAR, J)

Date:26.12.2018

Note:

Issue cc in two days

(B/o.)

msb

¹ 1984(2) APLJ, page 1