

(2011) 10 AP CK 0022

In the Andhra Pradesh High Court

Case No : Writ Petition No. 28437 of 2011

K. Krishna Goud

APPELLANT

Vs

Superintendent of Proh. and Excise, Rajendra Nagar Division,
Hyderabad, Ranga Reddy District and another

RESPONDENT

Date of Decision : 24-10-2011

Acts Referred:

Citation : (2012) 1 ALT 521

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : Bollepalli Sai Ram Goud, for the Appellant; G.P. for Prohibition and Excise, for the Respondent

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a mandamus to declare the action of the respondents in interfering with the petitioner's toddy business in respect of counter No. 2 of Morangpally Village, Mominpally Mandal, Ranga Reddy District as illegal. The petitioner sought for a consequential direction to the respondents not to interfere with the toddy business as long as his licence subsists. The petitioner is a licensee under the Tree for Tappers Scheme (TFT). According to him, his shop has never been inspected and no samples have been drawn. However, he alleged that as many as on three occasions on 01.10.2011, 08.10.2011 and 16.10.2011, the subordinates of the respondents have inspected his shop and demanded him not to carry on business. The petitioner questioned this action by terming the same as illegal and unauthorised. According to the petitioner, the licence, which is valid till 30.09.2012 is subsisting as on today and therefore, the respondents or their subordinates cannot cause interference with his business.

2. In pursuance of the notice in the writ petition, the learned Assistant Government Pleader for Prohibition & Excise has reported instructions. According to her, the order of suspension has been prepared and so far the same has not been served. She further stated that the petitioner is found absconding on

account of which order of suspension could not be served.

3. The learned counsel for the petitioner fairly submitted that his client will make himself available at his business premises and receive the order of suspension. He, however, stated that till such time as the order of suspension is not served, the respondents shall not interfere with the petitioner's business.

4. In my opinion, till the order of suspension is served on the petitioner, the same will not come into effect. As admittedly the suspension order has not been served on the petitioner so far, he shall not be prevented from carrying on the business till the said order is served on him. Accordingly, while giving liberty to the respondents to serve a copy of the order, they are directed not to interfere with the petitioner's business till such service is made. The respondents are given liberty to serve through alternative mode of service prescribed under the A.P. Excise Act, 1968 and the Rules made thereunder, in the event the petitioner avoids or refuses to receive the proposed suspension order.

5. Subject to the above directions, the writ petition is disposed of. As a sequel to disposal of the writ petition, W.P.M.P. No. 35114 of 2011 is disposed of as infructuous.