
(2003) 02 AP CK 0011

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 202 of 2003

Toddy Co-operative Society

APPELLANT

Vs

Superintendent of Prohibition and Excise and Others

RESPONDENT

Date of Decision : 07-02-2003

Acts Referred:

Citation : (2003) 2 ALT 815

Hon'ble Judges : Motilal B. Naik, Acting C.J.;G. Rohini, J

Bench : Division Bench

Advocate : B. Sairam Goud, for the Appellant; Government Pleader, for the Respondent

Judgement

Motilal B. Naik, A.C.J.

1. Appellant is Toddy Co-operative Society, Tandur Toddy Group of villages, represented by its President. Aggrieved by the orders passed on 2-11-2002 by the 1st respondent, a Writ of Mandamus was sought declaring the proceedings dated 2-11-2002 in respect of toddy shop Nos. 2 and 3 of Tandur village as illegal and sought such other relief.

2. According to the appellant-petitioner society there was a licence for three toddy shops and also a depot, which is valid up to 31-3-2003. On 31-10-2002 the respondents inspected the toddy shop No. 1 and the depot of the petitioner-appellant and found the toddy available in the shop was adulterated and consequently a crime was registered. In the background of these irregularities found by the respondent No. 1, 1st respondent issued impugned proceedings dated 2-11-2002. It is this order that is challenged before the learned Single Judge. The learned Single Judge, in the facts and circumstances of the case, was of the view that the licence in respect of all the three shops is one and the same and that the allegation of adulteration in respect of one shop implies the overt-act on the part of the licensee and came to the conclusion that no interference is required in the suspension order and dismissed the Writ Petition.

3. In the appeal, it is mainly urged by Mr. Sai Ram Goud, learned counsel appearing for the appellant, that the impugned order passed by the 1st respondent on 2-11-2002 is pending enquiry on the allegations. He also stated that the second sample report is also available and that pursuant to the second sample, no further enquiry is to be made by the respondents and the Writ Appeal could be disposed of directing the respondents to revoke the suspension.

4. The learned Government Pleader contended that as there are other things required to be completed, suspension cannot be revoked.

5. Be that as it may, it would appear to us that the suspension order is passed pending enquiry. If enquiry has been completed, in all respects, as contended by the learned counsel for the appellant, there shall not be any difficulty to the respondents to revoke the suspension by following due procedure of law.

6. Accordingly we dispose of the Writ Appeal directing the respondents to pass an appropriate order in the facts and circumstances of the case revoking the suspension order within a period of ten (10) days from today. No costs.