



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3330]

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 4368/2026

Between:

1.VATTIKUTI SATISH BABU, S/O BHASKAR RAO AGED ABOUT 47
YRS. BUSINESS, R/O H.NO.1-265, MURALI NAGAR, ALAMURU-
533233. DR BRA KONASEEMA DISTRICT

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, VELAGAPUDI-522503. AMARAVATHI GUNTUR
DIST.

2.THE COMMISSIONER PROHIBITION AND EXCISE,
COMMISSIONERATE OF PROHIBITION AND EXCISE
MANGALAGIRI-522503. GUNTUR DIST.

3.THE DISTRICT PROHIBITION AND EXCISE OFFICER, DR BRA
KONASEEMA DISTRICT, AMALAPURAM-533201.

4.THE STATION HOUSE OFFICER, PROHIBITION AND EXCISE
STATION, ALAMURU-533232. DR BRA KONASEEMA DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be
pleased to issue a writ, order or direction more particularly one in the nature of

writ of mandamus declaring the action of the 3rd respondent in issuing the show cause notice vide RC.No.A3/64/2025 Dt.09-02-2026 to the petitioner seeking explanation basing on report of the 4th respondent Dt.04-02-2026 is vague and in violation of the procedure under The Andhra Pradesh Excise (Grant of License of Selling by Shop (Premium Store) and Conditions of License) Rules, 2024 and the G.O.Ms.No.22 Dt.12-01-2026 as illegal, arbitrary, violative and contrary to the principles of natural justice and consequently set aside the same and pass such

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay of all further proceedings in pursuance of the Show cause notice issued by the 3rd respondent vide RC.No.A3/64/2025 Dt.09-02-2026 to the petitioner pending disposal of the main writ petition and grant such

Counsel for the Petitioner:

1.SRINIVASA RAO PAPPU

Counsel for the Respondent(S):

1.GP FOR PROHIBITION EXCISE

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.4368 OF 2026

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing the show cause notice vide RC.No.A3/64/2025 Dt.09-02-2026 to the petitioner seeking explanation basing on report of the 4th respondent Dt.04-02-2026 is vague and in violation of the procedure under The Andhra Pradesh Excise (Grant of License of Selling by Shop (Premium Store) and Conditions of License) Rules, 2024 and the G.O.Ms.No.22 Dt.12-01-2026 as illegal, arbitrary, violative and contrary to the principles of natural justice and consequently set aside the same and pass such other order or orders...”

2. The 3rd respondent issued show cause notice *vide* proceedings in RC.No.A3/64/2025 Dt.09.02.2026, calling for explanation from the petitioner, as to why the petitioner's A4 shop license should not be cancelled. The notice alleges that, during a decoy operation conducted by the 4th respondent, the petitioner was found selling liquor at prices exceeding the maximum retail price (MRP), in violation of Rules 40 & 42 of the Andhra Pradesh Excise (Grant of License of Selling by Shop and Conditions of License) Rules, 2024. Assailing the said show cause notice, the present writ petition has been filed.

3. Heard Sri Pappu Srinivasa Rao, learned counsel for petitioner and learned Government Pleader for Prohibition and Excise for respondents.

4. Learned counsel for the petitioner contends that the show cause notice is *ex facie* illegal and violates principles of natural justice. Learned counsel relied on the judgment of the Hon'ble Apex Court rendered in the ***Commissioner of Central Excise, Bangalore v. Brindavan Beverages (P) Ltd., and others***¹, wherein it is held that the show cause notice is the foundation on which the department has to build up its case. If the allegations in the show cause notice are not specific and are on the contrary vague, lack details and/or unintelligible that is sufficient to hold that the noticee was not given proper opportunity to meet the allegations indicated in the show cause notice.

5. Learned counsel further contends that in the case on hand the impugned notice merely states that a decoy operation was conducted and liquor was sold above MRP, without specifying essential details such as the date, time, location, quantity of liquor sold, exact overpricing, names of decoy customers, or enclosure of the decoy operation report. Absent such particulars, the petitioner is deprived of opportunity to respond. Hence, prayed to set aside the notice.

6. In the case of ***Union of India and another v. Kunisetty Satyanarayana***² the Hon'ble Apex Court held that a writ Court may not exercise its discretionary jurisdiction in entertaining a writ petition questioning

¹ (2007) 5 SCC 388

² (2006) 12 SCC 28

a notice to show cause unless the same *inter alia* appears to have been without jurisdiction or a notice without a specific provision of law, does not contain any reason to offer explanation and when a notice is issued with pre-meditation.

7. When the notice containing reasons to form an opinion, which is required to be reflected in the notice itself, will not render the notice illegal or make an issue of violation of principle of natural justice and may not be result of predetermined mind. Therefore, it is the duty cast upon the person challenging the notice to show that there is an indication of predetermined mind of the authority issuing the notice. In an event of predetermined mind, even if the Courts directs the statutory authority to hear the matter afresh, once a decision has been taken, there is tendency to uphold it and a representation may not really yield any fruitful purpose. [See ***K.I. Shepherd & other Etc., Vs Union of India and others***³].

8. This Court, in similar circumstances, disposed of W.P.No.35596 of 2025 dated 22.12.2025, permitting the petitioner to submit explanation to the show cause notice and the respondents are directed to pass appropriate orders and communicate the decision to the petitioner.

9. In view of the facts and circumstances of the case, and by relying on the order dated 22.12.2025 passed in W.P.No.35596 of 2025, with the consent of

³ (1987) 4 SCC 431

both the learned counsel, the present Writ Petition is disposed of permitting the petitioner to submit explanation to the show cause notice dated 09.02.2026, within a period of two weeks from the date of receipt of a copy of this order. Upon submission of such explanation, the respondents are directed to examine the same and pass appropriate orders in accordance with law and communicate the decision to the petitioner. Till disposal of the explanation, the respondents are directed not to take any coercive steps. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 17.02.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.4368 of 2026

Date: 17.02.2026

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