

APHC010143692025



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

THURSDAY, THE 23rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 7401 OF 2025

Between:

1. Pantham Sudhakar Reddy, s/o Rama Subba Reddy, age 41 years occ
business D.no 4-138 maddipalli VTC Cheriopalli Anthapuram District

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary
Prohibition and Excise Department Secretariat, Velagapudi, Guntur District.V

2. The Commissioner of Prohibition and Excise department, I H C Corporate
building Mangalagiri , Guntur district

3. The Deputy commissioner, Prohibition and Excise Department, Anthapuram

4. District Prohibition and Excise Officer, Anthapuram District.

5. Station house officer, Tadipatri Proh and excise Station Anthapur district.

...Respondents

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 4th respondent passed In RC
no 50 /2025 dated 13-03-2025 as illegal, arbitrary and violative of Article 19

(1)(g) of Constitution of India and ultra virus of their powers and consequently set aside the same

IA NO: 1 OF 2025

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 suspend the proceeding of 4th respondent issued in RC no 50/2025/B Dated 13-03-2025

Counsel for the Petitioner: SAI MANOJ REDDY L

Counsel for the Respondents: GP FOR PROHIBITION EXCISE

The Court made the following order:

Challenging the order dated 13.03.2025 passed by Respondent No. 4 in Rc.No.50 of 2025/B, whereby the A4 shop licence issued in favour of the petitioner was suspended with immediate effect pending enquiry in the matter, the present Writ Petition has been filed.

2. Heard Sri L.Sai Manoj Reddy, learned counsel for the petitioner and Sri Nagaraju Pullagura, learned Government Pleader for Prohibition & Excise Department.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit filed in support of the Writ Petition, contended that the petitioner was granted Licence No. AT/101/2024-2026, Yellanuru Mandal, for the excise years 2024–2026 to run an A4 shop under the name and style of M/s. Hasini Wines, and has been carrying on the business pursuant thereto. He further submitted that, based on the report dated 28.02.2025 submitted by the Station House Officer, Prohibition & Excise Station, Tadipatri, Respondent No.4 passed the impugned order dated 13.03.2025 suspending the petitioner's A4 shop licence with immediate effect pending enquiry. He further submitted that the suspension order is based solely on the alleged confession of the accused that they had purchased the seized Indian Made Liquor (IML) bottles from the petitioner's shop and that Crime No.20 of 2025 was registered under Section 34(a) of the Andhra Pradesh Excise (Amendment) Act, 2023. He further submitted that the petitioner had furnished a detailed explanation

specifically stating that he had no connection whatsoever with the accused and that there was no material to establish his involvement in the alleged sale of the contraband liquor. He further submitted that the impugned order of suspension pending enquiry has been passed without any independent material, solely based on the alleged confession of the accused, without proper consideration of the explanation submitted by the petitioner, and without assigning adequate reasons, as such, the impugned order is arbitrary, illegal, and unsustainable in law. Accordingly, prayed to pass appropriate orders protecting the interests of the petitioner.

4. On the other hand, the learned Government Pleader for Prohibition & Excise, while reiterating the contents of the counter affidavit filed by respondent No.4, contended that a huge quantity of liquor and beer, *i.e.*, 2,418 nips of brandy/whisky and 144 beer bottles, was found to have been diverted to an unauthorized outlet for sale at prices exceeding the Maximum Retail Price (MRP), with an intention to make illegal gains, which is in violations of Section 36(1)(b) and (c) of the Andhra Pradesh Excise Act, 1968, read with Condition No.1 of the A4 Licence issued under the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2024. In view of the said violations, Respondent No.4 rightly passed the order suspending the petitioner's A4 shop licence pending enquiry. He further contended that the petitioner had been afforded an opportunity to submit his explanation by issuance of a show-cause notice, to which he had submitted his reply denying the alleged violations. However, as the petitioner failed to

produce any material substantiating his defence, respondent No.4 was justified in suspending the licence pending completion of the enquiry. He further contended that the Writ Petition is devoid of merit, does not warrant interference by this Court, and is liable to be dismissed.

5. Perused the material available on record and considered the submissions made by learned counsel for the parties.

6. The main grievance of the petitioner is that the impugned order dated 13.03.2025 passed by respondent No.4 suspending the petitioner's A4 shop licence pending enquiry is based solely on the alleged confession of the accused without there being any independent material connecting the petitioner with the alleged violations and without proper consideration of the explanation submitted by him. On the other hand, it is the specific stand of the respondents that there are serious allegations of diversion of liquor to an unauthorized outlet in violation of the provisions of the Andhra Pradesh Excise Act, 1968 and the licence conditions and that the suspension was ordered pending enquiry.

7. It is not in dispute that the impugned order is only an order of suspension pending enquiry and that the petitioner has already submitted his explanation to the show-cause notice issued by the competent authority. Whether the petitioner has committed the alleged violations and whether the allegations levelled against him are supported by acceptable material are matters to be examined by the competent authority during the course of the enquiry. This Court, in exercise of its jurisdiction under Article 226 of the

Constitution of India, is not inclined to adjudicate upon the disputed questions of fact at this stage.

8. Having regard to the facts and circumstances of the case, taking into consideration the submissions made by the learned counsel for the parties and as the enquiry admittedly is pending before respondent No.4, this Court, without expressing any opinion on the merits of the matter, is inclined to dispose of the Writ Petition by passing the following order:

“Respondent No.4 is directed to complete the enquiry pursuant to the impugned proceedings in Rc.No.50 of 2025/B, dated 13.03.2025, after affording the petitioner a reasonable opportunity of personal hearing, and to pass a reasoned order in accordance with law as expeditiously as possible, preferably within a period of eight (08) weeks from the date of receipt of a copy of this order, or else, the order of suspension passed by respondent No.4 shall stand revoked. ”

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

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