



**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: 9883 OF 2025

Between:

1. GUNDAGONI YADAGIRI, S/o. G. Gopaiah, aged about 54 years, R/o. D.No. 17-45/7, Main Road, Vengalayapalem Guntur City, Guntur District.

...Petitioner

AND

1. THE STATE OF AP, Rep. by its Principal Secretary to Government, Revenue(Excise) Department, Secretariat, Velagapudi, Amaravati, Guntur District.

2. The Commissioner of Prohibition and Excise Department, Mangalagiri. Andhra Pradesh.

3. The District Prohibition and Excise Officer, Guntur District, Guntur.

4. The Station House Officer, Prohibition and Excise Station, Guntur - II, Guntur 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 an appropriate writ order or orders more particularly, one in the nature of Writ of Mandamus declaring the action of the Respondent No. 4 in issuing notice dated 09-04-2025 directing the petitioner to submit rent agreement

through original owner pertaining to rented premises of the petitioner to an extent of Ac 0-25 Cents in Sy.No.176/1A of Repudi Village, Phirangipuram Mandal, Guntur District as illegal, arbitrary, high handed and consequently set aside the same and pass

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 stay of all further proceedings in pursuant to the notice dated 09-04-2025 directing the petitioner to submit rent agreement through original owner pending disposal of writ petition and pass

Counsel for the Petitioner: SARANU PHANI TEJA

Counsel for the Respondents: GP FOR PROHIBITION EXCISE

The Court made the following order:

Challenging the action of respondent No.4 in issuing the notice dated 09.04.2025 directing the petitioner to submit rent agreement from original owner pertaining to the rented premises of the petitioner admeasuring Ac.0.25 cents in Survey No.176/1A, situated at Repudi Village, Phirangipuram Mandal, Guntur District, the present Writ Petition has been filed.

2. Heard Sri Saranu Phai Teja, learned counsel for the petitioner and Sri Nagaraju Pullagura, learned Government Pleader of Prohibition & Excise Department for the respondents.

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 obtained lease of the subject premises from the original owner and possessor, Sri Tippareddy Kasi Viswanadha Reddy. After due verification of the lease deed and the premises, the Excise authorities granted a provisional licence in Form A-4. Pursuant thereto, the petitioner commenced his liquor business and has been running the licensed shop peacefully in the leased premises. He further contended that, respondent No.4 issued notice dated 09.04.2025 directing the petitioner to submit rent agreement from the original owner within three days from the date of receipt of the notice, failing which the licensed shop would be shifted to another location. He further submitted that upon perusal of the impugned notice would reveal that respondent No.4 initiated the said proceedings solely on the basis of a representation submitted by one Sri Dodda Pratap Reddy. He further submitted that the subject property is an ancestral property of Sri Tippareddy Kasi

Viswanadha Reddy and that he has been in possession and enjoyment of the same along with the other ancestral properties. He further submitted that a civil suit in O.S. No.50 of 2023 is pending on the file of the Court of the Senior Civil Judge, Sattenapalli, for partition among the brother of Kasi Viswanadha Reddy and other family members. In the said suit, Sri Dodda Pratap Reddy and certain other members of the Dodda family have been impleaded as formal parties in view of the claims made by them over the subject properties. Therefore, the dispute relating to the property is purely civil in nature. In such circumstances, the respondents cannot insist upon the petitioner producing documents from the original owner by issuing the impugned notice. He further submitted that the petitioner has invested substantial amounts in establishing the licensed shop in the subject premises, and if the respondents direct him to shift the location to another place, he will suffer grave pecuniary loss. Hence, prayed to set aside the impugned notice.

4. On the other hand, learned Assistant Government Pleader for Prohibition & Excise Department seeks time to get instructions.

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

6. As could be culled out from the submissions made by learned counsel for the petitioner and the material available on record, the impugned proceedings are only in the nature of a notice calling upon the petitioner to produce documents and rent agreement from the original owner within the stipulated time. No final decision

affecting the petitioner's licence or directing closure or shifting of the licensed premises has been taken pursuant thereto. The notice merely affords an opportunity to the petitioner to furnish the required documents. It is well settled that ordinarily a writ petition does not lie against a show cause notice or a preliminary notice unless the same is shown to have been issued without jurisdiction or in violation of any statutory provision.

7. In ***T.Ranjeeth Singh v. State of Telangana***¹, the Hon'ble Apex Court held that:

7.4 The principles deducible from the above decisions are:

i) Ordinarily writ does not lie against show cause notice/charge memo;

ii) entertaining writ petition against show cause notice/charge memo is dehorse the limit of judicial review/exceeds the power of judicial review at the threshold;

iii) issuance of show cause notice/charge memo, does not adversely affect/infringe the rights of the employee; does not amount to an adverse order;

iv) normally a charge-sheet is not quashed prior to the conducting of the enquiry on the ground that the facts stated in the charge are erroneous as determination of correctness or truth of the charge is the function of the disciplinary authority. It would be premature to deal with the issues;

v) in only very rare and exceptional case, if it is found to be wholly without jurisdiction or for some other reason, if it is wholly illegal, Court can exercise power of judicial review at the stage of show cause notice/charge memo;

vi) discretion under Article 226 should not ordinarily be exercised to quash charge sheet/show cause notice."

¹ 2017 SCC Online Hyd 121

A perusal of the above decision makes it clear that, ordinarily a writ petition is not maintainable against a show cause notice or a preliminary notice. In the present case, the impugned proceedings are only in the nature of a notice calling upon the petitioner to produce certain documents within the stipulated time. No final order affecting the petitioner's rights has been passed. The petitioner was given an opportunity to submit his explanation along with the relevant documents before respondent No.4.

8. Moreover, merely because a civil dispute is pending between the parties with regard to the property, it cannot be said that the licensing authority is precluded from calling upon the petitioner to furnish the documents required for verification of his entitlement to continue in the licensed premises. The petitioner can place all his objections and supporting material before the competent authority, which shall consider the same in accordance with law before taking any final decision. In the absence of any final adverse order, this Court is not inclined to interfere with the impugned notice. The petitioner has not made out any case warranting interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

9. Accordingly, the Writ Petition is dismissed. 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

23.07.2026
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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

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