

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 28446 OF 2024

Between:

Alluri Venkata Srinivas, S/o. Venkateswara Rao Aged about 45 Years, Occ.
Business, R/o. D.No.4-105, Nandigama Town, NTR District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Prohibition and Excise Department, Secretariat, Velagapudi, Amaravathi.
2. The Commissioner, Prohibition and Excise Department, Vijayawada, NTR District.
3. The District Prohibition and Excise Officer, NTR District at Vijayawada.
4. The Deputy Commissioner of Prohibition and Excise, Vijayawada, NTR District.
5. The Depot Manager, Andhra Pradesh Beverages Corporation Limited (APBCL) IML Depot, Nidimanuru/Gollapudi, NTR District.
6. The Station House Officer, Prohibition and Excise Station, Nandigama, NTR 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 Respondent No.3 in issuing proceedings vide RC.No.233/2024/A3, dated 30/11/2024 as illegal, arbitrary,

violation of Principles of Natural Justice, violation of settled Principles of Law. and violation of Articles 14, 19(1)(g) and 21 of the Constitution of India and set-aside the same and permit the Petitioner to run the liquor shop in the name of M/s SLT Wines, L.No.82/2024-2026, in premises bearing D.No. 10-68, Penuganchiprolu Village, Penuganchiprolu Mandal, NTR District

IA NO: 1 OF 2024

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the impugned suspension orders vide RC.No.233/2024/A3, dated 30/11/2024 issued by the Respondent No.3, Pending disposal of WP 28446 of 2024, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI P S P SURESH KUMAR, Advocate for the Petitioner, and of GP FOR PROHIBITION EXCISE, for the Respondents, the Court made the following

ORDER:

Heard Sri P.S.P Suresh Kumar, Learned Counsel for the Writ Petitioner and Sri M. Srinu Babu, Learned Assistant Government Pleader for Prohibition & Excise.

2. The Learned Counsel for the Writ Petitioner has taken this Court through the contents of the Impugned Order dated 30.11.2024 (Ex.P.1). The facts would indicate that the Official Respondents have seized 31 liquor bottles of 180 ml each from the person who is running a pan shop. It is also stated in the Impugned Order that on questioning, the shopkeeper of the pan shop has said that he has resorted to this Illegal

business of the unauthorised sale of liquor bottles to augment his income in order to meet his family expenses.

3. The Impugned Order, prima facie, does not indicate that there is any nexus between the Writ Petitioner, who is the owner of the liquor shop and the owner of the Pan Shop.

4. In this view of the matter, this Court, prima facie, is of the opinion that the balance of convenience lies in favour of the Writ Petitioner. Accordingly, the Impugned Order dated 30.11.2024 bearing Rc.No.233/2024/A3 shall remain suspended until further orders.

5. Let Counter Affidavit be filed within two weeks.

6. It is clarified that this Order does not preclude the Official Respondents from proceeding with the enquiry that is sought to be undertaken against the owner of the Pan Shop. During the course of the investigation, if any nexus between the Pan Shop owner and Petitioner is established, the Official Respondents are at liberty to file an Application before this Court for modification of this Order.

7. Post on 21.12.2024.

SD/- K. SRINIVASA RAJU
AS ASSISTANT REGISTRAR

//TRUE COPY//

For AS

SECTION OFFICER

To,

1. The Principal Secretary, Prohibition and Excise Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi. (by Special Messenger)

2. The Commissioner, Prohibition and Excise Department, Vijayawada, NTR District.
3. The District Prohibition and Excise Officer, NTR District at Vijayawada.
4. The Deputy Commissioner of Prohibition and Excise, Vijayawada, NTR District.
5. The Depot Manager, Andhra Pradesh Beverages Corporation Limited (APBCL) IML Depot, Nidimanuru/Gollapudi, NTR District.
6. The Station House Officer, Prohibition and Excise Station, Nandigama, NTR District. **(Addressees 2 to 6 by RPAD)**
7. One CC to SRI. P S P SURESH KUMAR Advocate [OPUC]
8. Two CCs to GP FOR PROHIBITION & EXCISE ,High Court of Andhra Pradesh. [OUT]
9. **One spare copy**

PSR



HIGH COURT

GRKP,J

DATED:05/12/2024

NOTE: POST ON 21.12.2024.

ORDER

WP.No.28446 of 2024

INTERIM SUSPENSION

