

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.30324 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the respondents in not permitting shifting of the Petitioner A-4 Shop and A-4(B) Permit Room from the Premises D.No.19-42-M38-79 of Division 3 and 12 to D.No:14-32-M3-18 of Division-26 of Tirupati Municipal Corporation as arbitrary, illegal and void and consequently direct the respondents 2 and 3 to permit the petitioner to shift his A-4 Shop and A-4(B) Permit Room License from the present Premises to D.No:14-32-M3-18 of 23rd Division of Tirupati Municipal Corporation.”

Heard Sri M.P. Chandramouli, learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise for respondents 1 to 6 and Sri D. Purnachandra Reddy, learned counsel for the respondents 7 and 8, apart from perusing the material available before this Court.

The petitioner herein submitted an application on 02-09-2015 requesting the Commissioner of Excise, Hyderabad to permit him to shift his A4 licence shop to Division No.26 of Tirupathi Municipal Corporation. On the said representation the Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad vide letter in C.R.No.3901/2015/CPE/F3, dated 02-09-2015 called for report from the Prohibition and Excise Superintendent, Tirupathi. The Prohibition and Excise Inspector, Tirupathi Urban submitted a report to the Prohibition and Excise Superintendent, Tirupathi on 11-09-2015 and recommended to shift the A4 shop of M/s.Devi Wines from D.No.19-42-M38-79 of 3 & 12

Division to D.No.14-32-M3-18, Division No.26 of Tirupathi Municipal Corporation.

In the above background, the complaint of the writ petitioner is that the respondent authorities are not taking consequential action pursuant to the above said report submitted by the Prohibition and Excise Inspector, Tirupathi Urban on 11-09-2015.

On the other hand, it is the submission of the learned counsel for the un-official respondents that if the shifting of the shop as requested by the petitioner herein is permitted the un-official respondents will have to suffer irreparable loss and hardship.

In the facts and circumstances of the case, without expressing any opinion on the merits of the matter, this Court is of the considered opinion that ends of justice would be met if a direction is issued to the 3rd respondent herein to take appropriate action pursuant to submission of report by the Prohibition and Excise Inspector on 11-09-2015, in accordance with law.

For the aforesaid reasons, the writ petition is disposed of, directing the Prohibition and Excise Superintendent, Tirupathi, Chittoor district – 3rd respondent herein to take appropriate action pursuant to the report, dated 11-09-2015 submitted by the Prohibition and Excise Inspector, Tirupathi Urban on shifting of the shop as requested by the petitioner herein, within a period of one week from the date of receipt of a copy of this order after issuing notice and after giving opportunity of hearing to all the stakeholders including the petitioner and un-official respondents

herein.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

A.V. SSHA SAI, J

September 18, 2015

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