

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.39946 of 2015

ORDER:

The grievance of the petitioner was with regard to the proceedings dated 17.11.2015 of the Prohibition and Excise Superintendent, Vijayawada, whereby the fifth respondent was permitted to shift the existing A4 shop from IDSMT complex, Ward No.4, Jaggayyapeta, to the premises bearing D.No.6-6, Seetarampuram, Ward No.4 of Jaggayyapeta Municipality, Krishna District.

By order dated 09.12.2015, this Court granted interim stay as prayed for, observing as under:

“Perusal of the impugned proceedings dated 17.11.2015 reflects that it was wholly based upon the proceedings dated 12.11.2015 of the Commissioner of Prohibition and Excise, Andhra Pradesh.

However, perusal of the proceedings dated 12.11.2015 passed by the Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad, reflects that they are not in conformity with Rule 28 of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012.

There shall accordingly be interim stay as prayed for.”

Learned Government Pleader for Excise fairly conceded that the impugned proceedings do not reflect conformity with the requirements of Rule 28(2) of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012.

Sri P. Roy Reddy, learned counsel appearing for the fifth respondent, has also no justification to offer for the impugned proceedings.

In that view of the matter, the writ petition is allowed setting aside the proceedings dated 12.11.2015 of the Commissioner of Prohibition and Excise, Andhra Pradesh, and the proceedings dated 17.11.2015 of the Prohibition and Excise Superintendent,

Vijayawada. This order shall however not preclude the Commissioner of Prohibition and Excise, Andhra Pradesh, from passing orders afresh in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

15th December, 2015
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