

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.38355 of 2015

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ORDER:

This Writ Petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus to declare the inaction of the official respondents in considering the representations made by the petitioners dated 09.11.2015 and 12.11.2015 requesting the official respondents granting permission to shift the 5th respondent's wine shop to 6th respondent's premises i.e., 6-6, Vijayawada Road, Seetharampuram, Jaggayyapet Town, Krishna District as illegal, arbitrary and contrary to Excise Acts and Rules, in violation of the principles of natural justice and also in violation of Article 14 of the Constitution of India consequently direct the official respondents not to accord permission to shift the 5th respondent's wine shop to 6th respondent's premises i.e., 6-6, Vijayawada Road, Seetharampuram, Jaggayyapet Town, Krishna District.”

Learned counsel is unable to demonstrate before this Court that the people of the locality would be legally entitled to a hearing in the context of the proposed shifting of a wine shop. In the absence of such a requirement in law, it is not open to the petitioners to insist upon being given an opportunity of hearing in the matter. Further, there is no indication of the shifting of the subject wine shop having been permitted till date. There is thus no cause of action for the petitioners to have approached this Court.

This Writ Petition is premature and is accordingly dismissed as

such. This order shall however not preclude the petitioners from approaching this Court in the event a genuine cause of action arises.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

25th NOVEMBER, 2015.

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