

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4674 of 2015

ORDER:

Petitioner herein was a licensee of A4 shop at serial No.61 at Kohir village and Mandal. The said licence was cancelled by order of the Provisional and Excise Superintendent, dated 14.02.2015. Questioning the same, the petitioner had approached this Court by writ petition No.4497 of 2015. However, the said writ petition was not entertained through orders of this Court dated 25.02.2015 relegating the petitioner to file an appeal and the learned counsel for the petitioner states that the petitioner has already filed appeal before the Deputy Commissioner-third respondent herein. Present writ petition is however filed questioning the auction notification issued by the respondents dated 21.02.2015 calling for applications to dispose of the shop at serial No.61. It is stated that the 4th respondent also published the said notification in the newspapers and issued a press note on 20.02.2015.

In respect of very same notification, an identical issue relating to licence of shop No.21 of Gazette Sl.No.21 on the premises bearing H.No.6-70/7, Peddapur Village, Sadasivapet Mandal, Medak District, has also come up before this Court in Writ Petition No.4293 of 2015 and the said writ petition was disposed of by order dated –24.02.2015 directing that the auction proceedings may go on, but the same shall not be finalised till the appeal of the petitioner therein is heard and disposed of and consequently direction was given to the Deputy Commissioner to hear and decide the appeal at an early date. Hence, the present writ petition also deserves to be disposed of with a similar direction as

mentioned below.

“In the circumstances, in the considered opinion of this Court while the proceedings in pursuance of the said notification dated 21.02.2015 are not interfered with, it is appropriate to direct that the appeal of the petitioner pending before the 3rd respondent be disposed of on merits well before the auction proceedings proposed to be held are finalised.

Accordingly, the writ petition is disposed of directing the 3rd respondent to fix an early date and hear the appeal or stay petition on merits and pass appropriate orders either in appeal or in stay petition in accordance with law as expeditiously as possible. Till passing of appropriate order as above, allotment of petitioner's shop in pursuance of the impugned notification shall not be finalised.”

In view of the above, the present writ petition is also disposed of. No costs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date:26-02-2015

Note:

Issue C.C. by tomorrow.

B/o. Rns.

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Rns