

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 30758 OF 2015

07-10-2015

Between:

Thotakuri Shivaiah

... Petitioner

And

The State of Telangana, rep., by its Principal Secretary, Revenue (Excise)
Department, Telangana Secretariat, Hyderabad and others

... Respondents

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PC: (per the Hon'ble Sri Justice S.V. Bhatt)

Heard learned counsel for the petitioner.

The petitioner, in the instant writ petition, makes the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue writ or direction preferably Writ of Mandamus declaring the stipulation of furnishing non-refundable Application Fee for an amount of Rs.50,000/- along with the application for grant of licence to sell Indian Made Foreign Liquor & Foreign Liquor by shop vide G.O.Ms.No.163 Revenue (Excise-II) Department Dated 11/09/2015 and condition No.3 in Gazettee Notification dated 14-9-2015 issued by the Respondent No.4 as illegal, arbitrary, violative of Articles 14, 19 & 21 of the Constitution of India and consequently set aside the same and pass such other or further orders as this Hon’ble court deems fit and proper in the circumstances of the case.”

It is not in dispute that the petitioner made application on 21-09-2015 and participated in the selection process and in the drawal of lots, lost. It is also not in dispute that along with the application, he deposited non-refundable application fee. When he deposited the non-refundable application fee, he could have deposited the same either under protest or without prejudice to his rights and contentions raised in the writ petition. In the writ petition, the petitioner has not even prayed for refund of the amount.

In view thereof, we are not inclined to examine the challenge raised in the writ petition.

Hence, the writ petition is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

07-10-2015

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