

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.4293 of 2015

Between:

J. Raj Kumar Yadav

PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Prohibition & Excise
Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The petitioner herein was a licence holder of A-4 shop at Gazette Sl.No.21 on the premises bearing H.No.6-70/7, Peddapur Village, Sadasivapet Mandal, Medak District for the sale of Indian made Foreign Liquor and Foreign liquor. The petitioner suffered an order of cancellation of licence dated 14.02.2015. Against the said order, the petitioner moved this Court by filing W.P.No.3898 of 2015. However, the said writ petition was not entertained and by order dated 20.02.2015 the petitioner was relegated to the appellate remedy. It was also directed that, if the petitioner files such an appeal, the appellate authority shall deal with the said appeal as expeditiously as possible, and dispose of the same on merits in accordance with law. The petitioner states that he has filed an appeal on 20.02.2015 together with an application for stay and the same is pending before the 3rd respondent. The main grievance of the petitioner is that the 4th respondent has issued notification dated 21.02.2015 proposing to dispose of various shops including the shop for which the petitioner was holding licence, by calling for applications from the interested parties, and draw of lots is scheduled to be held on 28.02.2015. The grievance of the petitioner is that during the pendency of the appeal if the shop is allotted to a third party his rights will be seriously affected and the appeal itself will become infructuous.

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. No costs.

VILAS V. AFZULPURKAR,J

24th February, 2015
Js.

Note: issue C.C. tomorrow.