

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.35641 of 2015

ORDER:

The grievance of the petitioner was with regard to the proceedings dated 01.10.2015 of the Commissioner of Prohibition and Excise, State of Andhra Pradesh, whereby the fourth respondent was permitted to shift the existing A4 shop from Utukur Village, Vidavalur Mandal, to Mudhivarthipalem Village, Vidavalur Mandal of SPSR Nellore District.

By order dated 02.11.2015, this Court granted interim stay as prayed for, observing as under:

“Perusal of the impugned proceedings dated 01.10.2015 reflects that the shifting of the licenced premises seems to have been permitted only to suit the convenience of the 4th respondent and not in accordance with Rule 28(2) of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012. This Rule provides that the licensed premises should not be shifted elsewhere as a general rule and such shifting should be permitted only for valid reasons. Obviously, the shifting would be allowed in a case where the running of the shop at the licensed premises is facing some difficulty. However, the impugned proceedings dated 01.10.2015 do not reflect any such reason.

There shall accordingly be interim stay as prayed for pending further orders.”

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 J. Pradeep Kiran, learned counsel appearing for the fourth 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 01.10.2015 of the Commissioner of Prohibition and Excise, State of Andhra Pradesh. This order shall however not preclude the Commissioner of Prohibition and Excise, State of 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

25th November, 2015

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