

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 22270 of 2012

Date: 08.06.2015

Between:

C. Siva Krishna Reddy,
YSR Kadapa District.

.... Petitioner

And

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Excise) Department,
Secretariat, Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER:

The petitioner was granted a licence to run a wine shop. He accordingly set up Sairam Wines at Peddamudiam Village, Peddamudiam Mandal, YSR Kadapa District. The present Writ Petition was filed by him seeking refund of the licence fee

for the period from 16.04.2012 to 30.06.2012 on account of closure of the said Wine Shop. As per the writ affidavit averments, his shop had to be kept closed owing to the agitation by some local women of the village along with political leaders. It is his claim that he is entitled to refund of the licence fee paid by him to the Excise Authorities, for this period.

The Prohibition and Excise Superintendent, Proddatur, filed a counter affidavit wherein he stated that the Excise Department Officials never instructed the petitioner to close his shop or issue any orders for such closure. According to him, the petitioner had himself closed his shop. The Superintendent further stated that it was not the responsibility of the Excise Department to give protection to the petitioner to run his shop.

No reply affidavit was filed rebutting the above counter affidavit averments.

The petitioner's claim for refund of the licence fee does not rest on any statutory provision. Unless he is in a position to demonstrate that the Excise Department was under an obligation to provide him necessary protection so that he could run his business, he cannot seek to attach liability in that regard upon the said Department.

In the light of the clear counter affidavit averments to the effect that the Department was not responsible for closure of the petitioner's shop and that it was under no responsibility to provide him protection, this Court finds no merit in this Writ Petition which is accordingly dismissed.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 08.06.2015

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