

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
MONDAY, THE TWENTY THIRD DAY OF MARCH,
TWO THOUSAND AND FIFTEEN
:PRESENT:
THE HON'BLE SRI JUSTICE: VILAS V.AFZULPURKAR
WP .NO:7123 of 2015**

Between:

1. M/s Sri Lakshmi Narasimha Wines (A4 wine shop), D.No.3-36, Rajapet Village & Mandal, Nalgonda District, Rep. By its licensee Sri Adepu Ganesh S/o Pandari, R/o Rajapet Village & Mandal, Nalgonda District.
2. M/s Sri Lakshmi Wines (A4 wine shop), D.No.4- 80, Rajapet Village & Mandal, Nalgonda District, Rep. By its licensee Sri Penta Jammaiah S/o Kesavulu, R/o Bhongir Village & Mandal, Nalgonda District.
3. M/s Bhavani Wines (A4 Shop), D.No.3-65/48, Raghunathpur Village, Rajapet Mandal, Nalgonda District, Rep. by its licensee Gujja Ramakrishna S/o Damodar, Occ: A4 shop licensee, R/o H.No.2-3, Masaipet Village, Yadagirigutta Mandal, Nalgonda District.
4. M/s Sri Ram Wines (A4 wine shop), D.No.12-60, Yadagirigutta Village & Mandal, Rep. By its licensee Sri Mulugu Sri Ramulu, S/o Siddaiah, 12-49, Yadagirigutta Village & Mandal, Nalgonda District.
5. M/s Sai Wines (A4 wine shop), D.No.4-143, Yadagirigutta Village & Mandal, Rep. By its licensee Sri Gangadari Mahender, S/o Kanakaiah, D.No.3-24, Velvarthy Village, Valigonda Mandal, Nalgonda District.
6. M/s Shiva Wines (A4 wine shop), D.No.4-107/2, Yadagirigutta Village & Mandal, Rep. By its licensee Sri Are Venkatesh Goud S/o Bikshapathi, D.No.2-58, New Gundlapalli Village, Yadagirigutta Village & Mandal, Nalgonda District.

..... Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Excise-II, Secretariat, Hyderabad.
2. The Commissioner of Proh. & Excise, Govt. of Telangana State, J.N.Road, at Excise Bhavan, Hyderabad.
3. The Dy. Commissioner of Proh. & Excise, Nalgonda, Nalgonda District.
4. The Superintendent of Proh. & Excise, Nalgonda District at Nalgonda.
5. The Inspector of Proh. & Excise (SHO Alair Circle), Nalgonda District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings of the 4th respondent, vide Cr.No.279/2014/C1, dated 13-03-2015, in respect of petitioner's A4 shops Sl.No.2, Gazette Sl.No.133, Rajapet, Shop No.1 and Sl.No.134, Rajapet, Shop No.2, Sl.No.4, Gazette

Sl.No.135, Raghunathpur, Sl.No.5, Gazette Sl.No.136, Shop No.1, Yadagirigutta, Sl.No.6, Gazette Sl.No.137, Yadagirigutta Shop No.2, Sl.No.7, Gazette Sl.No.138, Yadagirigutta Shop No.3, as illegal, arbitrary and contrary to the A.P. Excise Act, 1968 and the proceedings are pending before the respondents 2 and 3, the 4th respondent cannot invoke the Rule 57 of A.P. Excise (Grant of Licence by selling by shop and conditions of licence) Rules, 2012, consequently direct the respondents 2 to 4 to follow the A.P. Excise Act, 1968 and provision of law under Section 47 of A.P. Excise Act, 1968 for compounding of offences Rules, 1973, in the interests of justice.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein, and order of High Court dated 18-03-2015 made herein and upon hearing the arguments of Sri Bollepalli Sai Ram Goud Advocate for the Petitioners, and GP for Excise (TG) for Respondents, the Court made the following.

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ORDER:

Learned counsel for the petitioner submits that his appeal before the Deputy Commissioner was rejected on 18-03-2015 and that the petitioner has already filed appeal before the Commissioner of Prohibition and Excise along with the stay petition on 19-03-2015.

Learned Government Pleader states that the appeal shall be heard and disposed of by 30-03-2015.

Interim order dated 18-03-2015 to continue till 30-03-2015.

List on 31-03-2015 in the motion list.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. Two CCs to GP for Excise (TG), High Court, Hyderabad (OUT)
2. One CC to Sri Bollepalli Sai Ram Goud, Advocate (OPUC)
3. One spare copy

Skm

HIGH COURT

VVA,J

Drafted by: skm
Drafted on: 23-03-2015

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DATE: 23-03-2015

NOTE: List on 31-03-2015 in the motion list.

ORDER

WP. No. 7123 of 2015

CONTINUATION OF INTERIM ORDER