

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.26197 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the Respondents 1 to 3 in failing to take further action pursuant to the report submitted by the 3rd respondent to the 1st respondent dated 6-6-2015 for transfer of licence in the name of Petitioner vide proceedings RC.No. 87/2015 dated 6-6-2015 for grant of 2-B Bar Licence of M/s Gokul Restaurant and Bar Door No. 1-4-20, Penukonda Road, Hindupur, Anantapur District as illegal arbitrary, and unconstitutional and contrary to the provisions of Rule 17 of A.P. Excise (Grant of Licence of selling by Bar & Conditions of Licence) Rules 2005 and consequently, direct the respondents 1 to 3 to take immediate action for transfer of licence for 2-B Bar Licence in the name of Petitioner for running the business without any further delay by duly considering the reports submitted by the respondents 3 and 4 to the respondent No.2.”

Heard Sri Vaddemani Srinivas, learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise for respondents, apart from perusing the material available before this Court.

According to the petitioner, originally his father Late R. Anjaneyulu was the licensee of A1 license for M/s.Gokul Restaurant and Bar Door No.1-4-20, Penukonda Raod, Hindupur, Anantapur District with license No.01/2014-15, dated 19-07-2014 and he was running the Bar and Restaurant as the license was in his name. The said license is still in subsistence. It is further pleaded that during the currency of the license and when the father of the petitioner was alive he made a representation to the

authorities for transfer of license in the name of the petitioner on the ground of ill-health. It is further pleaded that the said representation was forwarded by the 3rd respondent – Superintendent, Prohibition and Excise, Penukonda, Anantapur District to the 2nd respondent – Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad on 11-05-2015. It is also the case of the petitioner herein that his father passed away on 08-07-2015.

In the present writ petition it is the complaint of the petitioner herein that despite the said representation made for transfer of license no action has been taken so far by the respondent authorities in the direction of transferring the license in favour of the petitioner herein.

On the other hand, on instructions, it is submitted by the learned Government Pleader that there are certain objections from the other family members of the petitioner and the petitioner herein has never approached the respondents for transfer.

Learned counsel for the petitioner on hearing the same has requested this Court to permit the petitioner herein to submit a representation to the respondent authorities for his grievance and further requested to issue necessary directions to the respondents herein to take appropriate action on the same. This Court considers the said request as reasonable.

For the aforesaid reasons, the writ petition is disposed of, keeping it open for the petitioner herein to submit representation to the respondent authorities for redressal of his grievance within a

period of two (2) weeks from the date of receipt of a copy of this order. If any such representation is made by the petitioner herein within stipulated time the same be considered and appropriate action be taken within a period of six (6) weeks thereafter after giving notice to all the concerned.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

A.V. SESA SAI, J

August 26, 2015

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