

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.20913 OF 2009

DATED 05TH OCTOBER, 2015

Between:

D. Jagan Mohan Rao .. Petitioner

and

The Superintendent, A.P. Prohibition &

Excise Department, Guntur and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.20913 OF 2009

ORDER

This writ petition was filed assailing the proceedings dated 15.01.2009 of the Commissioner of Prohibition and Excise, Andhra Pradesh, rejecting the petitioner's request for establishment of a Restaurant & Bar by way of renewal of his licence.

Perusal of the impugned proceedings reflects that the petitioner's request for grant of a licence in Form 2-B under the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 was rejected on the ground that there was no viability for setting up a new Restaurant & Bar in the area as there were already two bars and one wine shop functioning. As grant of a new bar licence would jeopardize the business of the existing licensees resulting in unhealthy competition as the locality could not sustain a new bar, the Commissioner opined that there was no requirement of a new bar and accordingly rejected the petitioner's application.

By order dated 06.10.2009, this Court directed the respondents to consider the case of the petitioner for grant of licence to run the Restaurant & Bar at the same

premises for the excise year 2009-10 on payment of usual charges and upon fulfilling the conditions provided under the Excise Act and the Rules made thereunder.

Pursuant to the above interim order, the respondents considered the case of the petitioner and again rejected the petitioner's application under proceedings dated 25.09.2010. The proceeding dated 25.09.2010 has not been subjected to challenge. That apart, learned Assistant Government Pleader for Excise placed before this Court a copy of G.O.Ms.No.266, Revenue (Excise-II) Department, dated 23.06.2014, which records the decision of the Government not to grant any new licences to 2-B Bars during 2014-15. Learned Assistant Government Pleader further states that this policy has been extended up to 30.10.2015 to enable the State to frame a comprehensive Bar policy for the excise year 2015-16.

In the light of the aforestated facts, the cause in this writ petition in relation to the earlier proceedings dated 15.01.2009 no longer survives owing to the subsequent proceedings dated 25.09.2010 which were passed pursuant to the interim order granted in this writ petition.

The writ petition is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

05TH OCTOBER, 2015

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