

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

MONDAY THE TWENTYSIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 24333 OF 2015

Between:

S.Jagadeeswara Rao ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Prl. Secretary
Home Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri ASC Bose

Counsel for the Respondents: GP for Home [AP]
GP for Prohibition & Excise [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 24333 OF 2015

ORDER:

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

“To declare the action of respondents 3 and 4 in not taking any action on the petitioner’s complaint dated 14/7/2015 as illegal, arbitrary, unjust and contrary to the law and consequently to direct the respondents 3 and 4 to take necessary immediate action against the unlawful activities being conducted in front of the petitioner’s business premises i.e., D.No. 17-25-2, Relli Veedhi, situated in Ward No.21, Visakhapatnam and to provide necessary protection basing on the complaint made by the petitioner dated 14/7/2015 pending disposal of the writ petition.”

2. Heard Sri ASC Bose, learned counsel for the petitioner and the learned Government Pleader for respondents.

3. When the matter is called, it is represented by the learned counsel for the petitioner that the petitioner herein submitted a representation dated 04/9/2015 to the Superintendent, Prohibition and Excise, Visakhapatnam for shifting A-4 licence to Ward No.22 of Visakhapatnam. The learned counsel has requested this court to direct the sixth respondent herein to take appropriate action on the said representation by fixing some time frame.

4. On the other hand, it is submitted by the learned

Government Pleader for respondents that the competent authority for ordering shifting of the premises is the Commissioner of Prohibition and Excise but not the Superintendent of Prohibition and Excise.

5. On noticing the same, it is submitted by the learned counsel for the petitioner herein that the petitioner herein will make necessary application before the Commissioner of Prohibition and Excise and necessary direction may be issued to the Commissioner of Prohibition and Excise to take appropriate action by fixing some time frame.

6. In the facts and circumstances, the Commissioner of Prohibition and Excise, A.P. suo moto stands impleaded as seventh respondent in the above writ petition.

7. In view of the above reasons, the writ petition is disposed of, permitting the petitioner herein to make necessary application for shifting of A-4 licence to Ward No.22 of Visakhapatnam to the Commissioner of Prohibition and Excise, A.P. immediately. If any such application is made, the same may be considered and appropriate orders be passed within a period of two weeks thereafter in accordance with law. No costs.

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

26/10/2015
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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L