

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

W.P.No.20742 of 2015

ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification No.106/2015/A6 dated 1.7.2015 issued by the 3rd respondent in so far as it relates to Sl.No.213 Chennur-II Village-2 as illegal, arbitrary and issue a consequential direction to the respondents not to proceed with the drawal of lots for Sl.No.213 Chennur-II Village-2”.

2. Heard Sri A.Venkataramana, learned counsel for the petitioner and the learned Government Pleader, appearing for Respondents, apart from perusing the material available on record.

3. The Prohibition and Excise Superintendent-3rd respondent herein issued a gazette notification dated 22.6.2015, inviting applications for consideration for grant of licence under A.P. Excise (Grant of License of Selling by Shop and Conditions of License) Rules, 2012. Along with other shops, 3rd respondent herein also notified Shop Nos.212 and 213 also in Gudur Mandal. In response to the said notification, petitioner herein applied for Shop No.212 and the 3rd respondent herein issued provisional licence in favour of the petitioner for sale of Indian made Foreign Liquor.

4. Subsequently, the 3rd respondent herein issued another notification dated 1.7.2015 once again notifying Shop No.213 of Gudur Rural Mandal along with other shops. The said notification dated 1.7.2015 to the extent of Shop No.213 of Gudur Rural Mandal is under challenge in the present writ petition.

5. Reiterating the averments in the affidavit filed in support of the writ

petition, it is contended by the learned counsel for the petitioner that in response to the earlier notification dated 22.6.2015, no applicant did come forward in respect of Shop No.213, as such there is no justification on the part of the respondents in notifying the shop once again. It is also the submission of the learned counsel for the petitioner that if Shop No.213 is granted in favour of any other person, petitioner would be put to lot of hardship. It is further submitted that since the population of the village is only 11200, it is not feasible to establish another shop and the same would cause loss to the petitioner.

6. On the contrary, it is vehemently contended by the learned Government Pleader that the apprehension of the petitioner is baseless and devoid of any foundation. It is submitted by the learned Government Pleader that there is no illegality nor any procedural infirmity in the impugned action and in the absence of the same, the present writ petition is not maintainable and the petitioner is not entitled for any relief from this Court under Article 226 of the Constitution of India.

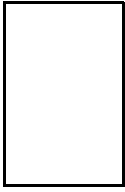
7. Except stating that in the event of permitting another shop in the village, petitioner would be put to loss of hardship, petitioner has not pointed out any statutory or procedural infirmity in the impugned action. As rightly pointed out by the learned Government Pleader that on mere apprehension, the petitioner cannot maintain the present writ petition.

8. In the facts and circumstances of the case, this Court is of the considered opinion that the petitioner herein has failed to make out any case, warranting interference or indulgence of this Court under Article 226 of the Constitution of India.

9. For the aforesaid reasons, the writ petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 7.7.2015
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Between:

P.Sri Hari

... Petitioner

and

State of A.P., rep. by its
Secretary to Government, Prohibition & Excise
Department, Secretariat, Hyderabad and others.

... Respondents