

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

WRIT PETITION No.27839 OF 2015

ORDER:

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

“to issue an appropriate writ, order or direction more particularly, one in the nature of Writ of Mandamus to declare the action of the respondents 2 to 4 in not renewing the petitioner's 2B Bar licence bearing No.78/2006/2007, i.e., M/s. New Narmada Restaurant & Bar, premises bearing No.13-6-460/17/3, 4, Mahesh Nagar, Gudimalkapur, Hyderabad, issued on 25.09.2006, which was renewed from time to time and valid up to 30.06.2015, for further block period of one year i.e., from 01.07.2015 to 30.06.2016, as illegal, arbitrary and violative of principles of natural justice, consequently, to direct the respondents to renew the petitioner's 2B Bar licence bearing No.78/2006/2007, i.e., M/s. New Narmada Restaurant & Bar, premises bearing No.13-6-460/17/3, 4, Mahesh Nagar, Gudimalkapur, Hyderabad, for further block period of one year i.e., from 01-07-2015 to 30-06-2016.”

2. Heard Sri Bollepalli Sai Ram Goud, learned counsel for the petitioner, and the learned Government Pleader for Prohibition and Excise (Telangana) appearing for the respondents apart from perusing the material available before this Court.

3. The petitioner herein claims to be the licensee of 2B Bar of M/s.New Narmada Restaurant & Bar, premises bearing D.No.13-6-460/17/3, 4, Mahesh Nagar, Gudimalkapur, Hyderabad with licence bearing No.78/2006/2007, dated 25.09.2006, and according to the petitioner, the said licence was renewed up to 30.06.2015. It is further pleaded in the writ affidavit that there are no adverse remarks against the petitioner's bar licence till date. It is the

further case of the petitioner herein that it submitted a representation dated 26.06.2015 to respondent No.2 herein - The Commissioner of Prohibition and Excise, Hyderabad, requesting him for renewal of the said licence, but no action has been taken on the said representation till date.

4. Reiterating the contents of the affidavit filed in support of the writ petition, it is submitted by the learned counsel for the petitioner that the action of the respondent authorities in not responding to the representation dated 26.06.2015 submitted by the petitioner herein for grant of renewal of the licence is highly illegal, arbitrary, unreasonable and violative of Articles 14 and 19(1)(g) of the Constitution of India, besides being opposed to the very spirit and object of the provisions of the A.P.Excise Act, 1968 and the Rules framed there under.

5. Taking into consideration the circumstances of the case and nature of controversy, this Court is of the considered opinion that the ends of justice would be met if a direction is given to respondent No.2 to consider the representation dated 26.06.2015 submitted by the petitioner herein for grant of renewal of the licence in accordance with law.

6. For the aforesaid reasons, this Writ Petition is disposed of, directing respondent No.2 – The Commissioner of Prohibition and Excise, Hyderabad to pass appropriate orders on the representation dated 26.06.2015 said to have been submitted by the petitioner herein for grant of renewal of 2B Bar licence in accordance with law, as expeditiously as possible. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 01.09.2015
AMD

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

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