

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.6112 of 2015

BETWEEN

Alluru Venkateshwarlu.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Prohibition & Excise Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. P. DURGA PRASAD

**Counsel for the Respondents: GP FOR PROH. & EXCISE
GP FOR MUNICIPAL ADMN.
MR. ANCHA PANDU RANGA RAO
MR. P. SRIDHAR REDDY**

The Court made the following:

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ORDER:

This writ petition is hopefully the last round of litigation between the same parties.

2. The subject matter of dispute is in reference to the location of petitioner's A4 shop. While respondent No.7 represented by Mr. P. Sridhar Reddy, learned counsel, has an A4 shop at Division No.22 of Kondayyapalem village, Nellore Municipal Corporation, Nellore District, petitioner is a licensee of Shop No.18 at Umareddygunta of the same municipal corporation and other areas of Division No.22. The objection of respondent No.7 with regard to the location of petitioner's shop at D.No.25/13/61/A, Plot Nos.6 and 7, Sy.No.410 of Kondayyapalem village was subject matter of WP.No.24899 of 2014 and pending consideration of the said objection, petitioner filed WP.No.25878 of 2014 and the said writ petitions came to be considered and disposed of by order dated 05.11.2014. On 20.11.2014, the Prohibition and Excise Superintendent passed an order holding that the petitioner's shop is located within Kondayyapalem revenue village and not in Ward No.22 and other areas as notified in the Gazette. The said order, ultimately, was confirmed by the Commissioner of Prohibition and Excise on 27.02.2015. The present writ petition is filed questioning the last of the said orders.

3. During the hearing of this writ petition, on 17.03.2015, the location of the petitioner's shop, being beyond his notified area, was confirmed not only by the Municipal Commissioner but also by the Excise authorities and consequently, the said factual dispute could not be considered in this writ petition all over again. Petitioner was, accordingly given a notice on 07.03.2015 to shift his shop in conformity with the orders of the Commissioner of Prohibition and Excise, referred to above. Hence, the petitioner counsel was required to file an affidavit with regard to the time required to vacate the premises and to shift to appropriate location.

4. Learned counsel for the petitioner has today filed an affidavit of the petitioner wherein he seeks four weeks time to shift the shop. In the meanwhile, petitioner seeks that he may be permitted to carry on the business in the existing location.

5. Considering the facts and circumstances and the long drawn litigation, I deem it appropriate to issue the following directions:

1. The order impugned does not call for interference. Accordingly, the said order stands upheld.
2. Petitioner, however, is granted time up to 10.04.2015 to shift the shop to an appropriate location as per the Gazette notification.
3. The official respondents shall permit the petitioner to carry on business at the existing location and subject to his undertaking, as recorded above.
4. In the event of the petitioner not complying with the said undertaking to shift the shop, the excise authorities shall be at liberty to close the said shop in the present location.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 20, 2015

Note: Furnish C.C. of the order by 23.03.2015.

(B/o) DSK