

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.17619 of 2014

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ORDER:

Heard.

The petitioners herein, who filed the present writ petition, are objecting to the establishment of A4 shop in Ward No.15 as per Notification in District Gazette Extraordinary No.24, dated 23-06-2014, of Machilipatnam Municipality.

By order of this Court, dated 27-06-2014, the operation of the said Notification was stayed on the ground that the impugned notification was issued contrary to Rule 5(1) of the Rules framed under the A.P.Excise Act. The said order is continuing to be in force since then. However, W.V.M.P.No.2139 of 2014 was filed on behalf of the State.

As against the said interim order, W.A.No.988 of 2014 was filed by the official respondents and a Division Bench by order, dated 09-07-2014, modified the said interim order restricting the same to only present A4 shop. Subsequently, the learned Single Judge heard the matter afresh and on 08-09-2014 vacated the interim stay. Thereby, A4 shop was put up for auction and the 3rd petitioner herein was declared as successful bidder.

Similarly, the 3rd petitioner herein filed W.P.M.P.No.42052 of 2014 stating that in the auction conducted for A4 shop, he was found to be the successful bidder and as such, seeks permission to shift his A4 shop outside Ward No.15, which is objected to in the writ petition.

Learned Government Pleader has placed before the Court proceedings issued by the Commissioner and Prohibition, dated 03-01-2015, wherein the petitioners request for shifting of the said A4 shop from Ward No.15 was favourably considered by the Commissioner and the said shop is now directed to be shifted to Ward

No.26 of Machilipatnam Mandal, subject to the conditions imposed in the said proceedings.

In view of the fact that no A4 shop is being located in Ward No.15, the learned counsel for the petitioners stated that they have no subsisting grievance as on this date.

Hence, the writ petition is dismissed. Consequently, W.V.M.P.No.2139 of 2014 as well as W.P.M.P.No.42052 of 2014 also dismissed as unnecessary. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-02-2015

Prv

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