

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.12720 of 2010

ORDER:

This writ petition was filed challenging the action of respondent No.1 in not incorporating a provision to maintain distance of 500 meters from the residential area to establish wine shop under the Andhra Pradesh Excise (Lease of right of selling by shop and conditions of licence) Rules, 2005 (for short, 'the Rules').

It is the case of petitioner that a licence was issued for running of a wine shop in Machavaram village for the excise years 2008-2010 in the premises belonging to respondent No.5. Since the said premises is located near the house of petitioner, he submitted a representation to the Gram Panchayat, Machavaram, which passed a resolution on 01.03.2010 requesting the Excise authorities to shift the premises. The Panchayat Secretary also submitted a representation on 18.03.2010 to the Station House Officer, Prohibition & Excise Police Station, Piduguralla and the petitioner submitted another representation to the Collector & District Magistrate, Guntur, who is respondent No.4, requesting for shifting of the wine shop. Without considering the said representation, respondent No.4 issued a notification for establishing the shop at Machavaram Village for the excise years 2010-2012. The petitioner submits that as per Rule 27 of the Rules, the premises shall be atleast 100 meters away from the public workshops, educational institutions, hospitals etc, and in respect of the Bar licence, Bar and Restaurant shall not be established within 500 meters of residential area. The petitioner further submits that respondent No.5 has been residing elsewhere and letting out her premises for running the wine shop and the authorities are granting the licence without having regard to the Rules applicable.

So far as the grievance of petitioner against respondent No.5 is concerned, it cannot be considered as the licence period expired long back. However, respondents 1 to 4 are directed to implement the Rules while granting any licence under the relevant provisions of the A.P. Excise Act in respect of a Wine shop/Bar and Restaurant in Machavaram Area.

With the above observations, this Writ Petition is disposed of.
No order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

03.03.2016

MVA