

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.17062 OF 2016
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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition is filed seeking issuance of writ of mandamus declaring the action of respondents 2 to 4 in not granting licence in Form-2B as per Rule 5 of the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 (for short, 'the Rules') even though the petitioner complied with all the conditions as well as the recommendations made by the authorities, as illegal and improper and consequently, to direct respondents 2 to 4 to grant licence to the petitioner forthwith.

3. The averments in the affidavit filed in support of the writ petition would go to show that the petitioner made an application for licence in Form-IB as required under Rule 5 of the Rules intending to establish a Bar in the name and style of M/s. Jayalakshmi Restaurant and Bar at D.No.13-464, Main Road, Ward No.13, Parvathipuram, Vizianagaram District. The petitioner also made an application for grant of trade licence and obtained the same vide proceedings ROC No.683/2015-F1, dated 22.12.2015. Pursuant to the same, the 2nd respondent issued proceedings in Crime No.5311/Parvathipuram(4)/2015/CPE/E1 dated 28.12.2015 as per the prior clearances. A lease agreement along with a building plan

has been submitted to the concerned authorities. It is further stated that since the earlier trade licence issued by the Parvathipuram Municipality would expire, the petitioner filed another application and the Parvathipuram Municipality was pleased to issue proceedings in Roc No.683/2015-F1 dated 11.05.2016 for the year 2016-17 and the petitioner also deposited substantial fee for the same. Pursuant to the said application, Station House Officer, Prohibition and Excise Station, Parvathipuram, Vizianagaram District, inspected the premises and submitted proposals to the 4th respondent duly recommending for grant of Form-2B licence in favour of the petitioner along with check list. Thereafter, the 3rd respondent was pleased to forward the same vide proceedings No.160/2015/A1 dated 18.05.2016 and the same is pending consideration before the 2nd respondent, which led to filing of the present writ petition.

Learned counsel for the petitioner mainly submits that total existing Form-2B licences in Parvathipuram Municipality should be four, out of which three licence holders made applications for renewal and that there is a clear vacancy insofar as grant of one Form-2B licence is concerned. It is said that in spite of there being a provision for grant of licence, the authorities are not taking appropriate action in this regard.

Having regard to the circumstances stated above and in view of the order of this Court dated 27.04.2016 in W.P.M.P.No.9178 of 2016 in W.P.No.7193 of 2016, the present Writ Petition is disposed of directing the respondents authorities to proceed with the processing of the application of the petitioner if the number of applications received for Parvathipuram Municipal Corporation does not exceed the number of Bar licences available

at the earliest, or, await the new policy decision of the State if the applications received for Parvathipuram Municipal Corporation exceed the number of Bar licences available.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:08.06.2016

Note: Furnish C.C. by 13.06.2016

(B/O)

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