

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19749 of 2016

ORDER :

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Mines and Geology for the State of Telangana. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission.

2. The present Writ Petition came to be filed with the following prayer:

“... to issue any appropriate Writ, Order or direction, more in the nature of Writ of Mandamus, declaring the action of the Respondent No.2 i.e. The Commissioner of Prohibition and Excise, Telangana State, Hyderabad in not considering the Stay Petition or Appeal filed by the Petitioner society on 26.4.2016 aggrieved by the order passed by the Deputy Commissioner of Proh. & Excise, Adilabad Division vide Proceedings No.Cr.No.B/569/2015/P&ES, Dated 29.12.2015 rejecting to grant stay while upholding the order passed by the Prohibition and Excise Superintendent, Mancherial vide Proceedings No.B4/268/2015, dated 15.09.2015 cancelling the licences of the petitioner society i.e. Toddy Tappers Co-operative Society, Bellampally consisting of Toddy Depot bearing No.B6/68/2012 and its constituent Toddy Shops Nos. 1 to 5 and 7 to 11 bearing Licence Nos. B6/58/2012 to B6/62/2012 and B6/64/2012 to B6/68/2012 dated 18.12.2012 respectively issued in favour of the Petitioner Society in the name of K.Nara Goud, in the capacity of President of Toddy Tappers Cooperative Society, Bellampally with immediate effect invoking the powers conferred on him under the provisions of Section 31 (1) (b) of the A.P. Excise Act, 1968 is illegal, arbitrary, violative of Articles 14 and 16 of the Constitution of India and contrary to the provisions of

the AP Excise Act, 1968 and the Andhra Pradesh Excise (Grant of Licence to Sell Toddy, Conditions of Licence and Tapping of Excise Trees) Rules, 2007 and pass..”

3. Though various grounds are raised in the Writ Petition, learned counsel for the petitioner restricts his prayer seeking a direction to respondent No.2 to dispose of the appeal filed by the petitioner against the order in Proceedings No. Cr. No.B/569/2015/P&ES, dated 29.12.2015 passed by respondent No.3.

4. In view of the submissions made and having regard to the circumstances of the case, respondent No.2 is directed to consider and pass appropriate orders in appeal filed by the petitioner on 26.04.2016, aggrieved by the order in Proceedings No. Cr. No.B/569/2015/P&ES, dated 29.12.2015 passed by respondent No.3 confirming the order passed in Proceedings No.B4/268/2015, dated 15.09.2015 by respondent No.4, as expeditiously as possible preferably within a period of 15 days from the date of receipt of a copy of this Order, in accordance with law.

5. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

21.06.2016

DRK

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