

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11355 of 2016

ORDER:

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Heard Sri O. Manohar Reddy, learned counsel for the petitioner, and Sri Md. Saleem, learned Standing Counsel for the Kavali Municipality.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the proceedings of the 1st respondent issued in L.Dis.No.319/2016-F1, dt.31.3.2016, as illegal, arbitrary and contrary to the provisions of the A.P Municipalities Act and consequently direct the 1st respondent to reconsider the application for renewal of trade licence for the year 2016-17 in respect of Prashanthi Restaurant & Bar, D.No.8-30-91A, Pedda Pavani Road, Kavali, SPSR Nellore District forthwith and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.”

Perusal of the impugned endorsement dated 31.03.2016 reflects that the only ground for not issuing a trade licence to the petitioner for the year 2016-2017 is the pendency of W.P.No.41927 of 2015 before this Court.

Sri O. Manohar Reddy, learned counsel, would state that the said writ petition was filed against the permission granted to the petitioner to shift the licensed bar premises and that no interim orders were granted by this Court interdicting operation of the bar at the new location.

In that view of the matter, this Court finds no reason for the municipal authorities to refuse to issue a trade licence on the ground that the said writ petition is pending.

The impugned endorsement dated 31.03.2016 is accordingly set aside. The Kavali Municipality shall reconsider the application

dated 31.03.2016 made by the petitioner for issuance of a trade licence in relation to the relocated premises of the bar in accordance with law and take appropriate action thereon. This exercise shall be completed expeditiously and in any event, not later than one week from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

6th April, 2016
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