

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6218 of 2011

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in seeking to collect licence fee payable by the petitioners in respect of the license bearing No.54/2010-12 dated 29.06.2010, Shop No.1, Ward No.82, Hyderabad and licence bearing No.17/10-12/Dpt dated 26.06.2010, Shop No.2, Ward No.82, Kachiguda, Hyderabad respectively issued in favour of the petitioners till the licence fee payable by each of us at the rate of Rs.1,55,99,999/- reduced to Rs.1,35,00,666/- which is on par with licence fee payable by M/s.Bramaramba Wines, D.No.1-9-113/30/1/C/1, Dayanandanagar, Vidyanagar, Bagh Lingampally, Hyderabad, rep.by S. Bal Reddy and till the disposal of the Special Leave Petition filed against the order 29.09.2010 in Writ Appeal No.709 of 2010 pending before the Supreme Court as illegal, arbitrary and against the principles of natural justice and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The respondent authorities granted A4 licence in favour of M/s.Brahmaramba Wines for Ward No.88, Bagh Lingampally, Hyderabad, for a period of two years commencing from 01.07.2010 to 30.06.2012. The said M/s. Brahmaramba Wines on

the ground that there was opposition by the local people, made an application before the respondents for shifting of the said shop to Ward No.81, Barkathpura. The petitioners herein were the licensees of A4 shops in Ward No.82, Kachiguda, Hyderabad. The respondent authorities permitted M/s.Brahmaramba Wines for shifting to Ward No.81, Barkathpura.

Assailing the validity of the said orders of shifting, the petitioners herein filed Writ Petition No.23317 of 2010 before this Court. The said Writ Petition was allowed by this Court on 20.09.2010. Aggrieved by the said order passed by the learned Single Judge, M/s.Brahmaramba Wines filed Writ Appeal No.709 of 2010. A Division Bench of this Court allowed the said Writ Appeal on 29.09.2010, setting aside the order passed by the learned Single Judge. Therefore, M/s. Brahmaramba Wines was permitted to carry on the business in the shifted premises in Ward No.81 of Barkathpura. The petitioners herein submitted representations to the respondent authorities on 05.03.2011 requesting the respondents herein for reduction of licence fee from Rs.1,55,99,999/- to Rs.1,35,00,666/-. Obviously, complaining inaction on the part of the respondents in considering the said representations, the present Writ Petition came to be filed.

A counter-affidavit deposed by the Prohibition and Excise Superintendent is filed denying the averments in the affidavit filed in support of the Writ Petition.

Learned Government Pleader placed reliance on the judgment of the Full Bench of this Court in **S.L.V. WINES, KADAPA DISTRICT v. STATE OF ANDHRA PRADESH AND OTHERS**¹ and contends that in view of the law laid down in the said judgment, the petitioners are not entitled to any indulgence of this Court under Article 226 of the Constitution of India.

With due respect to the said judgment, in the said judgment, the Full Bench of this Court dealt with the aspect of remission while dealing with Section 31 of the Andhra Pradesh Excise Act but the present contingency did not fall for consideration of the Full Bench of this Court.

Eventually, it is requested by the learned counsel for the petitioners that since the respondent authorities did not take any action on the representations submitted by the petitioners herein, necessary directions may be issued to the respondents to consider the said representations as per law, without going into the merits and demerits of the matter.

¹ 2009(5) ALD 170 (FB)

In view of the above submissions made by the learned counsel, the Writ Petition is disposed of directing the respondents to consider and pass appropriate orders on the representations dated 05.03.2011 said to have been submitted by the petitioners, if not already disposed of, within a period of three months from the date of receipt of this order as per law.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand disposed of. No order as to costs.

1st DECEMBER, 2016.

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A.V.SESHA SAI, J

