

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

WRIT PETITION No.1493 of 2016

ORDER :

Heard Sri B.Vijayasen Reddy, learned counsel for petitioner and the learned Government Pleader for Excise appearing for respondents.

2. Petitioner has filed this Writ Petition assailing the order

dt.19-12-2015 rejecting petitioner's application for issuance of prior clearance for establishing a 2B bar in the subject premises.

3. In the impugned order, the reason for rejection is simply mentioned as "not in accordance with Rule 4 and 6 of the Telangana Excise (Grant of License of Selling by Bar and Conditions of Licence) Rule, 2005". The order passed by 3rd respondent states that the District Committee gave this reason on the basis of which the petitioner's application is rejected.

4. Rule (4) and (6) of the above Rules provide for various contingencies and situations on the basis of which a Form-2B licence may not be granted.

5. Since the impugned order does not specify which particular requirement the petitioner did not fulfill, I am of the opinion that the impugned order is vague and is in

clear violation of principles of natural justice and is liable to be set aside.

6. In the counter affidavit filed by respondents, it is alleged that the restaurant of the petitioner is not functional and that was one of the ground on the basis of which the application of the petitioner for issuance of prior clearance was rejected.

7. This Court in **P.V. Prasad Vs. Commissioner of Prohibition & Excise, Government of A.P., Hyderabad and others**^[1] has held that such ground is not specified in the above Rules, and it is not open to respondents to reject an application for grant of prior clearance on that ground.

8. Therefore the impugned order is set aside and the matter is remitted back to the 3rd respondent to consider afresh the application of the petitioner for prior clearance keeping in mind the above decision of this Court, in accordance with law and to communicate his decision thereon to the petitioner within four (04) weeks from the date of receipt of a copy of this order.

9. The Writ Petition is allowed as above. No costs.

10. It is open to respondents to make a fresh inspection of the subject premises after issuing prior notice to petitioner.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-08-2016

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[\[1\]](#) 2013(3) ALT 58