

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.38919 of 2015

ORDER:

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

“It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction (1) declaring the action of the respondents in permitting the fifth respondent to run the shop at 8th ward though it was permitted to be established at Ward No.16 is illegal, 2) to declare the action of the respondents in not taking action on the petitioners representations dated 06.10.2015, 07.10.2015 and 08.10.2015 to instruct the licensee of Gazette No.255 of Gazette Notification of Jagtial Excise Unit to shift his IML Shop from Ward No.8 to Ward No.16 of Korutla Village, Karimnagar District as the proposed shifting is illegal, arbitrary and is in contravention of provisions of the Excise Act and the A.P.Excise (Grant of License of selling by Shop and Conditions of Licencse) Rules, 2012 and consequently direct the respondents to take a decision on the petitioners representation dated 06.10.2015, 07.10.2015 and 08.10.2015 to instruct the licensee of Gazette No.255 of Gazette Notification of Jagtial Excise Unit to shift his IML Shop from Ward No.8 to Ward No.16 of Korutla Village, Karimnagar District, as the same is in contravention of the excise Act and the Rules made Thereunder i.e., A.P.Excise (Grant of License of selling by shop and conditions of License) Rules, 2012, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. The grievance of the petitioners, as is evident from the above prayer, was that the fifth respondent was proposing to shift his licensed shop from Ward No.16 to Ward No.8 of Korutla Village, Karimnagar District.

3. The Commissioner of Prohibition and Excise, Telangana, furnished written instructions dated 31.12.2015 to the office of the learned Government Pleader for Prohibition and Excise, wherein he stated that under proceedings dated 30.09.2015 passed by the

Prohibition and Excise Superintendent, Jagtial, the fifth respondent was permitted to shift his licensed A4 shop from Ward No.16 to Ward No.31 of Korutla Municipality in Karimnagar District.

4. The apprehension of the petitioners that the fifth respondent would be allowed to shift his licensed shop to Ward No.8 is therefore shown to be without basis.

The Writ Petition is accordingly closed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

No order as to costs.

JUSTICE SANJAY KUMAR

March 11, 2016
LMV