

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

WRIT PETITION No.27254 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise (A.P) for respondent Nos.1 to 5 and learned counsel for respondent Nos.6 and 7.

2. In the present writ petition, challenge is to the alleged action on the part of respondent Nos.3 to 5 in not permitting the petitioner to conduct the business in the premises bearing D.No.25-25-6/B2 and 25-25-6/B1, Lalpuram Main Road, Guntur.

3. It is submitted by the learned counsel for the petitioner that 2-B licence granted by the fifth respondent in favour of the petitioner vide licence No.82/2017-2022, dated 02.07.2017, is still intact and, during the subsistence of the said licence period, respondent Nos.3 to 5 are not justified in not permitting the petitioner to carry on the business on the ground that there is an objection from the residents of the locality.

4. In the course of hearing, an order passed by this Court in W.P.Nos.26891 and 27292 of 2017, dated 18.08.2017, is placed on record. In the said writ petitions, this Court made it clear that so long as the licence granted in favour of the petitioner in W.P.No.27292 of 2017 is intact, he cannot be restrained from carrying on the business in terms of the licence granted to him. Liberty was given to the petitioner in W.P.No.26891 of 2017 to file an appeal before the Deputy Commissioner of Prohibition and Excise, Guntur, in accordance with the provisions of Section 63 of the A.P. Excise Act, if he is advised to do so.

5. In the instant case also, it is not in dispute that 2-B licence granted in favour of the petitioner is still intact. Therefore, so long as the licence granted in favour of the petitioner continues to be in force, the respondents cannot restrain him from carrying on the business in terms of the said licence. However, it is open for respondent Nos.6 and 7 to file an appeal before the Deputy Commissioner of Prohibition and Excise, Guntur against the licence granted in favour of the petitioner, in accordance with the provisions of Section 63 of the A.P. Excise Act, if they are advised to do so.

6. With the above observations, the writ petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Date: 28.08.2017
TJMR



A.V. SESA SAI, J