

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22515 OF 2017

ORDER:

The case of the petitioner is that he was selected in lots of A4 shop at Gazette Serial No.210 and as such, he was intimated by the 4th respondent to fulfill the conditions therein within 15 days. The petitioner submitted application for A4 shop licence for the excise year 2017-2019 along with the required documents as directed in the letter of intimation dated 31-03-2017 along with the challan evidencing the payment of Rs.5,00,000/- towards 1st installment of licence fee and Rs.10,000/- towards permit room fee. The petitioner has selected the premises at D.No.59A-21-7, R.R.Gardens, Pantakaluva Road, Patamata, Vijayawada in the name and style of M/s.Vijaya Wines and intimated the same to the 4th respondent for issuance of licence. But quite surprisingly, the petitioner received impugned order dated 01-07-2107 of the 4th respondent informing that his application was examined in the light of the orders of this Court in WP.No.18512 of 2017 dated 09-06-2017 and would not be considered until final orders in the writ petition. It is stated that said writ petition is filed by one M.Nageswara Rao and four others against the respondents herein as well as one G.Jaganmohan Rao as respondent No.6 therein in not considering the objections submitted

by them on 01-06-2017 for prevention of shifting of wine shops, Bar and Restaurants into midst of residential colony at R.R.Gardens, Patamata, Vijayawada from the side of National Highways No. 9 and 45 passing through Vijayawada as illegal. Aggrieved by the order dated 01-07-2017, the present writ petition is filed.

Learned counsel for the petitioner says that the order in the WP.No.18512 of 2017 is nothing to do with the petitioner's case and said writ petition is filed as the objections of petitioners therein not considered for prevention of shifting of wine shops by the respondents therein and more so, the direction is only to consider the objections. But in the present case, the impugned order is passed stating that the application of the petitioner will not be considered until final orders are passed in W.P.No.18512 of 2017.

Heard learned Government Pleader for Prohibition and Excise.

Now it is to be seen that, the petitioner's application for grant of A4 licence was rejected only on the ground that his application will be considered only after passing final orders by this Court in WP.No.18512 of 2017. The petitioner in the present case is not the respondent in the said writ petition. More so, the direction in WPMP.No.22589 of 2017 in WP.No.18512 of 2017 is only

to consider the objections with regard to shifting of wine shop/bar and restaurants into midst of residential colony from the side of National high way Nos 9 and 45 passing through Vijayawada City to R.R.Gardens, Patamata, Vijayawada or to the house of the 6th respondent therein.

In the present case, though it is stated in the writ affidavit that the Station House Officer, Prohibition & Excise Station, dated 30-06-2017 addressed to the 4th respondent stating that he had found after verification that the proposed premises is within the notified area and premises does not attract the bar stipulated in Rule 25 of A.P.Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2012, but copy of said report is not filed along with material papers in the present writ petition.

In view of the same, the impugned order is passed without application of mind. Accordingly, the same is set aside. The licensing authority is directed to reconsider the application of the petitioner and if any objections are raised for grant of licence even in respect of premises chosen by the petitioner for establishment of wine shop, it is open for the licensing authority to consider the same as was directed in WP.No.18512 of 2017 and pass orders and thereafter take action accordingly.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-07-2017
Nvl



