

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

WRIT PETITION No.34140 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise.

The Prohibition & Excise Superintendent, Ongole-fourth respondent herein issued a notification, dated 24.03.2017, inviting applications for grant of licence to sell Indian Made Foreign Liquor by shop under Rule 5 of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of licence) Rules, 2012.

According to the petitioner, he submitted an application for shop No.78 for the licence period commencing from 01.04.2017 to 30.06.2019. The fourth respondent herein issued a provisional licence dated 10.05.2017 to the petitioner. It is stated in the writ affidavit that the petitioner herein selected the premises bearing No.1-1-47, Vykuntapuram, Swarna Gate, Ward No.23, Chirala Municipality, Prakasam District, belonging to one Sri Sambasiva Rao, and had given blue print of the premises together with rental agreement to the fifth respondent for inspection and approval of the location. According to the petitioner, on the objections raised by the nearby wine shop owners, the fourth respondent did not grant any approval for the

premises chosen by the petitioner herein. It is submitted by the learned counsel for the petitioner that, once there is compliance of all the statutory requirements of law, as provided under the Andhra Pradesh Excise Act, 1968 and the Rules framed thereunder, it is obligatory on the part of the respondent authorities to pass orders so as to enable the petitioner herein to carry on the business.

Having heard the learned counsel for the petitioner and the learned Government Pleader, and, since the issue is pending consideration before the fourth respondent, this Court deems it appropriate to dispose of the present Writ Petition with a direction to the Prohibition & Excise Superintendent-fourth respondent herein to pass appropriate orders on the application of the petitioner herein for grant of licence for shop No.78, strictly in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. Consequently, miscellaneous petitions, if any pending in this Writ Petition shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

20th October, 2017

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