

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

WRIT PETITION Nos.28097 & 29051 of 2017

COMMON ORDER:

Heard Sri O.Manohar Reddy, learned counsel for the petitioner in W.P.No.28097 of 2017 and the fifth respondent in W.P.No.29051 of 2017, Sri K.L.N.Swamy, learned counsel for the sixth respondent in W.P.No.28097 of 2017 and the petitioner in W.P.No.29051 of 2017, and the learned Government Pleader for Prohibition & Excise for the respondent authorities, apart from perusing the material available before the Court.

Since these two Writ Petitions are inter-related, this Court deems it appropriate to dispose of these two Writ Petitions by way of this common order.

In W.P.No.28097 of 2017, challenge is to the alleged inaction on the part of the Prohibition & Excise Superintendent, Machilipatnam-fourth respondent in not granting licence to run liquor shop in the premises bearing No.11-167/5 of Challapalli village and mandal, Krishna District despite submission of a report by the Station House Officer, Prohibition & Excise Station, Movva-fifth respondent.

In W.P.No.29051 of 2017 challenge is to the action on the part of the official respondents in issuing permission to the fifth respondent (petitioner in W.P.No.28097 of 2017) for shifting of

his retail wine shop from Nadakururu Road to Peddakallepally Road without considering the objections, said to have been raised by the villagers, particularly, the petitioner.

The petitioner in W.P.No.28097 of 2017 is a licensee of A4 shop and in whose favour the Prohibition & Excise Superintendent, Machilipatnam, Krishna District, vide L.No.103/2017-19 dated 10.07.2017, granted A4 licence to establish a shop at D.No.7/56/3 of Poagolu village, Challapalli mandal, Krishna District. In view of the local unrest at the premises, shown in the A4 licence so granted, the petitioner in W.P.No.28097 of 2017 requested the respondent authorities to permit shifting of A4 shop to Door No.11-167/5 of Pedakallepally Road. The Station House Officer, Prohibition & Excise Station, Movva submitted a report to the Prohibition & Excise Superintendent, Machilipatnam with regard to the request of the petitioner herein for establishment of a shop at Door No.11-167/5 of Pedakallepally village. In the above background, alleging inaction on the part of the respondent authorities, W.P.No.28097 of 2017 has been filed, while seeking a direction to the respondent authorities for grant of licence to run a liquor shop at Door No.11-167/5, Challapalli village and mandal, Krishna District. The petitioner in W.P.No.29051 of 2017 claims to be a resident of Sivaramapuram, H/o Peddaprolu,

Venkatapuram Post, Mopidevi mandal, Krishna District and he submits that if the shifting of the subject shop is permitted, the petitioner herein and all other villagers, who need to cross the subject premises to reach Challapalli village, will have to suffer irreparable loss and injury and it is the further case of the petitioner in W.P.No.29051 of 2017 that there are two junior colleges and one degree college and the shifting of the shop to the subject premises is not advisable.

It is submitted, during the course of arguments, by the learned Government Pleader, that the competent authority for grant of permission for shifting under the A.P.Excise (Grant of Licence of selling by shop and conditions of licence) Rules, 2012 is the Commissioner of Prohibition & Excise and no final decision has been taken so far.

Having heard the learned counsel for the petitioner and the learned Government Pleader, and, as the proposal is pending consideration before the Commissioner of Prohibition & Excise, this Court deems it appropriate to dispose of these two Writ Petitions with a direction to the Commissioner, Prohibition & Excise, Vijayawada to take appropriate action on the proposed shifting of the subject shop within a period of three weeks from the date of receipt of a copy of this order and it is open for the petitioner in W.P.No.29051 of 2017 to raise his objections, if any,

before the Commissioner, Prohibition & Excise, Vijayawada within a period of one week from today, if he is advised to do so and the same may be considered as per law. It is made clear that, if the petitioner in W.P.No.29051 of 2017 fails to submit objections within the said period, the Commissioner of Prohibition & Excise can proceed in accordance with law.

With the above direction, the Writ Petitions stand disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

30th August, 2017

Note:

*Furnish C.C. of the order
within two days.*

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A.V.SESHA SAI, J

