

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

WRIT PETITION No.28161 of 2017

ORDER:

Heard learned counsel for the petitioners and the learned Government Pleader for Prohibition & Excise (A.P.).

According to the petitioners they are the allottees of A4 shops bearing Nos.170 & 171 of Saluru Municipality, Vizianagaram District. It is stated that the petitioners herein have complied with all the statutory requirements.

Earlier the petitioners herein filed W.P.No.24666 of 2017 before this Court questioning the action of the second respondent in not allowing the petitioners to open the shops for sale of liquor under A4 licence. The said Writ Petition was disposed of by this Court by way of an order, dated 31.07.2017, directing the second respondent to take appropriate action on the representation dated 19.07.2017 within a period of two weeks from the date of receipt of the said order. It is further stated that the order passed in the said Writ Petition was despatched by this Court on 03.08.2017. The second respondent passed the order under challenge on 03.08.2017 directing the petitioners herein to submit proposals for establishment of A4 shop in accordance with the rules and orders of the Supreme Court. According to the petitioners, on 16.08.2017, they

submitted representations to the second respondent indicating the address of the premises also. It is further stated that, despite the same, no action has been taken and no orders have been passed by the second respondent herein, either rejecting or accepting the proposal of the petitioners herein. According to the learned counsel for the petitioners, the said action on the part of the second respondent is highly illegal, arbitrary and violative of Articles 14 and 19 (1) (g) of the Constitution of India.

During the course of hearing, it is brought to the notice of this Court by the learned Government Pleader that, despite addressing a letter, dated 23.08.2017, no instructions could be received from the second respondent. It is also brought to the notice of this Court that the learned Government Pleader also addressed a letter dated 29.08.2017 to the Commissioner of Prohibition & Excise, Vijayawada informing failure on the part of the second respondent to furnish instructions. This conduct on the part of the second respondent cannot be countenanced nor can be approved by this Court. This Court does not find any justification on the part of the second respondent in not passing any final orders despite receiving representation dated 16.08.2017.

For the aforesaid reasons, the Writ Petition is disposed of, directing the second respondent herein to pass appropriate

orders on the representation of the petitioners herein dated 16.08.2017 in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

Office shall also communicate a copy of this order to the Commissioner of Prohibition & Excise, Vijayawada.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

30th August, 2017
Tsy

A.V.SESHA SAI, J

