

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10496 of 2017

ORDER:

Writ Petition appears to have been filed on apprehension that, on account of the judgment of the Supreme Court in **State of Tamil Nadu v. K.Balu¹**, wherein liquor shops have been prohibited within a distance of 500 meters from the highway, some liquor shops, allotted pursuant to notification dated 22.06.2015, are likely to be shifted within the area of operation of the petitioner.

It is the specific contention of the learned counsel for the petitioner that, while the Commissioner, Prohibition and Excise is authorized to consider the application for shifting, necessarily, the Commissioner is required to consider Rules 4 and 5 of the A.P. Excise (Grant of Licence of Selling by shop and conditions of licence) Rules, 2012 before the application for shifting is considered. He submits that, despite the petitioner had made representation dated 17.03.2017 to the Commissioner, liberty may be given to him to make a detailed representation setting out details.

Learned Government Pleader for Excise submits that, if objection/representation is made by the petitioner, the second respondent would consider the same, in accordance with law, and pass orders thereupon at the earliest.

¹ 2017(2) SCC 281

Considering the respective submissions, liberty is given to the petitioner to make a detailed representation to the second respondent with respect to shifting of shops of other licencees; and the second respondent shall consider the same, pass appropriate orders, in accordance with law.

With the above observation, the Writ Petition stands disposed of.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date:23.03.2017
Note:Issue CC forthwith
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