

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22532 OF 2017

ORDER:

The Writ Petition is filed to declare the action of the Respondents Nos.2 to 5 in not considering the representations of the petitioner dated 03.06.2017 and 14.06.2017 in granting 2-B licence to the respondents No. 6 & 7 contrary to the provisions of Telangana State Excise (grant of license) Rules 2015, as illegal and arbitrary, and consequently, direct the respondents No.2 to 5 not to issue any Form 2-B License to the respondents No.6 & 7 by duly considering the representation of the petitioner dated 03.06.2017 and 14.06.2017.

The case of the petitioner is that he applied for grant of Form 2-B licence in the year 2015 to set up a Bar in the existing restaurant being run by him. The respondents 6 & 7 also applied for allotment of the same licence. The applications of the petitioner as well as respondents 6 & 7 were rejected on the ground that the proposed Bars are located near the State High Way / National High Way and therefore, as per the distance certificate issued by the concerned department the petitioner and the respondents 6 & 7 are not entitled for allotment of the said licence. While so, the respondents 6 & 7 by misappropriation obtained the distance certificate from the authorities concerned. Therefore, the petitioner submitted representations, dated 03.06.2017 and 14.06.2017, to respondents 2 and 3, respectively, requesting them not to grant any licence to the respondents 6 & 7 as they obtained distance certificate by fraud. But, the respondents are not considering the representations of the petitioner. Hence, the present writ petition.

When the matter is taken up for hearing, learned Government Pleader for Prohibition and Excise, on instructions, submitted that the representations of the petitioner were already considered by the authorities concerned, and the orders passed thereon, are also communicated to the petitioner.

Recording the said submissions of the learned Government Pleader, the Writ Petition is disposed of. However, the petitioner is at liberty to seek his remedy before the authority concerned, if he so desirous.

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

July 17, 2017
KTL



RAJA ELANGO, J