

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

WRIT PETITION Nos.24623 AND 29615 of 2017

COMMON ORDER:

Since these two writ petitions are interrelated, this Court deems it appropriate to dispose of the same by way of this common order.

2. In W.P.No.29615 of 2017, challenge is to the action of the Prohibition and Excise Superintendent, Tirupati Excise District and Licensing Authority, Tirupati, Chittoor District, first respondent, in not issuing the licence to the petitioner to establish and to run A-4 liquor shop in survey No.685/5A of Peddakannali Village, Thottambedu Mandal, Chittoor District.

3. In W.P.No.24623 of 2017, the petitioner is seeking a direction to the respondents to consider her representations dated 21.07.2017 and 29.06.2017 which were filed against the grant of licence in favour of the sixth respondent, who is the petitioner in W.P.No.29615 of 2017.

4. According to the learned counsel for the petitioner in W.P.No.29615 of 2017, the impugned action on the part of the first respondent in not granting A-4 licence in favour of the petitioner is highly illegal, arbitrary and opposed to the very spirit and object of the provisions of the A.P. Excise Act, 1968 and the Rules framed thereunder. It is the further submission of the learned counsel that the petitioner in W.P.No.24623 of 2017, who claims to be the Sarpanch of Chinna Singamala Village, has nothing to do with the subject premises, as the subject premises is situated in some other village.

5. On the contrary, it is submitted by the learned counsel for the petitioner in W.P.No.24623 of 2017 that despite the representations made by the petitioner, the respondents – authorities are proceeding with grant of A-4 licence in favour of the petitioner contrary to the Act and the Rules.

6. On the other hand, it is submitted by the learned Government Pleader for Prohibition and Excise (A.P) that further action on the licence of the petitioner in W.P.No.29615 of 2017 would be taken strictly in accordance with law.

7. There is absolutely no dispute with regard to the fact that the petitioner in W.P.No.29615 of 2017 was selected in the selection process conducted through drawl of LOTs in respect of A-4 licence vide gazette serial No.CT/366. It is also the case of the petitioner in W.P.No.29615 of 2017 that all the statutory requirements have been complied with and, in view of the pendency of W.P.No.24623 of 2017, no further action has been taken by the official respondents for grant of A-4 licence in his favour. In this case, it is significant to note that on the request of the Prohibition and Excise Inspector, Srikalahasti, the Village Revenue Officer, Peddakannali submitted a report on 27.07.2017 to The Tahsildar, Thottambedu Mandal who sent the same to the Prohibition and Excise Inspector, Srikalahasti vide his proceedings Roc/B/G.F/2017, dated 28.07.2017. The same is filed as the material paper along with W.P.No.29615 of 2017. According to the said report, the subject premises falls under survey No.68/5A of Pekkakannali Village, but not Chinna Singamala Village. Therefore, in the considered opinion of this Court, the petitioner in W.P.No.24623 of 2017 has no locus maintain the said writ petition. On the ground of pendency of W.P.No.24623 of 2017 withholding of

licence in favour of the petitioner in W.P.No.29615 of 2017, cannot be sustained.

8. For the aforesaid reasons, W.P.No.29615 of 2017 is allowed, directing the official respondents to issue licence in favour of the petitioner to establish A-4 shop in terms of proceedings of the first respondent dated 31.03.2017, subject to compliance of all the statutory requirements. Consequently, W.P.No.24623 of 2017 is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.V. SESA SAI, J

Date: 08.09.2017
TJMR

