

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10716 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings of the 4th respondent in RC No.218/ 2015/ A2, dated 02.03.2017, as illegal and arbitrary, and consequently, direct the respondents to consider the application for shifting of the shop of the petitioner.

The entire controversy in the writ petition is whether the existing wine shop of the petitioner is within the prohibited area of 500 meters of the State Highway. On one hand, learned Standing Counsel submits that the 500 meters has been reckoned by the respondent authorities as an Ariel view and based on the Google map, and on the other hand, the learned Government Pleader, on instructions, asserts that the distance has been physically measured and as a matter of fact, the petitioner was also a party to such measurement.

The contention of the petitioner is that though the petitioner was present while considering the measurements, the respondents have taken into consideration the measurements based on the Google map and not by way of physical measurements.

Having considered the respective submissions and the controversy being narrow, interest of justice would be served if a direction is issued to the 4th respondent to measure the distance from the State Highway to the existing shop of the petitioner by following the analogy in Rule 25(3) of the A.P. Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2012.

Accordingly the Writ Petition is disposed of directing the 4th respondent to measure the distance from the State Highway to the

existing shop of the petitioner by following the analogy in Rule 25(3) of the A.P. Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2012. As the petitioner is required to close the shop by 30.03.2017 in view of the judgment of the Supreme Court, the above exercise shall be completed within a period of one week from the date of receipt of a copy of this order. No order as to costs.

As a sequel to disposal of the writ petition, miscellaneous petition pending if any, shall stand closed.

CHALLA KODANDA RAM, J

March 28, 2017

Note:
Furnish CC in two days.
B/O.KTL

