

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

WRIT PETITION No.25377 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“... to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondent Nos.2 to 4 in not considering the application dated 29.06.2017 of the petitioners for grant of Form 2B licence to run a bar in the premises bearing D.No.59A-21-7/1, R.R. Gardens, Patamata, Vijayawada, Krishna District in view of the orders passed in WPMP.No.22589 of 2017 in W.P.No.18512 of 2017, dated 09.06.2017, as illegal, arbitrary and consequently direct the respondents No.2 to 4 to consider the application for grant of licence.”

Heard Sri O. Manohar Reddy, learned counsel for the petitioners, and the learned Government Pleader for Excise and Prohibition for the respondents.

According to the petitioners, they were granted licence under the provisions of the A.P. Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 in the year 2009 and the said licence was valid till 30.06.2017. It is stated that as per the prevailing rules, the existing licensees are entitled for renewal subject to payment of fee and that the petitioners made an application for locating the bar at the premises bearing D.No.59A-21-7/1, R.R. Gardens, Patamata, Vijayawada.

One Sri Medarametla Nageswara Rao and four others filed W.P.No.18512 of 2017 before this Court and this Court on 09.06.2017, passed an interim order in WPMP.No.22589 of 2017 directing respondent Nos.1 to 5 therein to consider the

objections of the petitioners therein, dated 01.06.2017, against the proposed shifting of wine shops, bar and restaurants from the side of National Highway Nos.9 and 45 passing through Vijayawada City, Krishna District to R.R. Gardens, Patamata, Vijayawada, Krishna District or to the house of the 6th respondent therein.

The grievance of the petitioners in the present writ petition is that the official respondents are not considering their application on the ground of pendency of the writ petition.

It is submitted by the learned counsel for the petitioners that the respondents are treating the above said order as stay order and that the said order will not come in the way of consideration of the petitioners' application and it is open for the respondents to consider the application so also the objections said to have been made by the petitioners in W.P.No.18512 of 2017 and appropriate action can be taken in accordance with law.

Having heard the learned counsel for the petitioners and the learned Government Pleader, this Court is of the considered opinion that ends of justice would be served if the writ petition is disposed of with a direction to respondent Nos.2 to 4 to consider the application of the petitioners, dated 29.06.2017, and also the objections submitted by the petitioners in W.P.No.18512 of 2017 and take appropriate

action within a period of three weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 31.07.2017
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