

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22751 of 2017

ORDER:

This writ petition under Article 226 of Constitution of India is filed by the petitioner seeking to declare the proceedings in Rc.No.531/2017/A2, dated 07.07.2017, on the file of the 4th respondent, as illegal, void, arbitrary and irrational and consequently to set aside the same and consequently to direct the respondents to grant licence for locating A4 shop to the petitioner at Plot No.26, R.S.No.255/8, Kanuru village, Penamaluru mandal, Krishna District.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner has submitted an application for grant of licence in respect of the shop notified under KR/223 i.e., Penamaluru (within 5 kms periphery), Penamaluru Mandal, Krishna District, and that the petitioner was selected in lots of A4 shop at Gazette Serial No.223 and as such, the petitioner was intimated by the 4th respondent vide letter, dated 31.03.2017, and that the petitioner had submitted an application for A4 shop licence for the excise year 2017-2019 along with the required documents as directed in the letter of intimation, dated 31.03.2017, along with challan evidencing the payment of Rs.16,50,000/- towards first year licence fees and that the petitioner has selected the premises bearing Plot No.26, R.S.No.255/8, Kanuru Village, Penamaluru

Mandal, Krishna District, in the name and style of M/s.DNR Liquor Wines, and intimated the same to the 4th respondent for issuance of licence.

4. The main grievance of the petitioner is that the petitioner has received the proceedings of the 4th respondent, dated 07.07.2017, informing that it is not possible to grant licence at the proposed premises at this juncture in view of the objections raised by the residents of K.G.G. Prasad Road, Kanuru, and at the request of the Hostel Welfare Officer, BCCGH, Vuyyuru.

5. After arguing for some time, learned counsel for the petitioner agreed for disposal of the writ petition with a direction to the respondent authorities to re-consider the application of the petitioner, said to have been submitted to the respondent authorities, for establishing A4 shop at Plot No.26, R.S.No.255/8, Kanuru village, Penamaluru Mandal, Krishna District, in the name and style of M/s.DNR Liquor Wines, in accordance with Rule 25 of the A.P. Excise (Grant of Licence of Selling by shop and conditions of licence) Rules, 2012, as amended through G.O.Ms.No.112, dated 22.03.2017, and to pass appropriate orders, as expeditiously as possible, in accordance with law.

6. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondent authorities to re-consider application of the petitioner, said to have been submitted to the respondent

authorities, for establishing A4 shop at Plot No.26, R.S.No.255/8, Kanuru village, Penamaluru Mandal, Krishna District, in accordance with Rule 25 of the A.P. Excise (Grant of Licence of Selling by shop and conditions of licence) Rules, 2012, as amended through G.O.Ms.No.112, dated 22.03.2017, and to pass appropriate orders, as expeditiously as possible, in accordance with law. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO, J

Date: 11th July, 2017

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