

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.33500 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not renewing the license of the petitioner vide License No.E4/ 81/ 2007, to run his toddy shop at Village Tadbiloli, Mandal Renjal, Nizamabad District and keeping the application to renew the license as pending, even after issuance of Withdrawal Order of Cancellation of License vide proceedings in Cr.No.E4/ 599/ 2016 dated 28.09.2016 as arbitrary, illegal and against the principles of natural justice and violative of fundamental rights and judicial precedents; and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.'

I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader representing the respondents. I have perused the material record.

Learned counsel for the petitioner while reiterating the submissions made in the affidavit filed in support of the writ petition, further submitted as follows: - 'When the petitioner's license was cancelled by proceedings, dated 09.08.2016, the petitioner approached this Court by filing W.P.No.31663 of 2016. Later, by proceedings, dated 28.09.2016, of the Prohibition & Excise Superintendent, Nizamabad, the cancellation orders issued *vide* proceedings, dated 09.08.2016, were withdrawn with immediate effect subject to the outcome of the said writ petition. In that view of the matter the petitioner is continuing the toddy tapping operations in view of the license which is revived. The said license expired, on 30.09.2017. In view of Rule 6 of Andhra Pradesh (Grant of licence to sell Toddy, Conditions of Licence and Tapping of Excise Trees) Rules 2007, the petitioner is entitled to automatic renewal of license

even without filing an application. Despite the said Rule position, the petitioner applied for renewal of the license, but, no orders have been passed by the respondents for renewal of the license of the petitioner.'

Learned Government Pleader would submit that an enquiry is being caused as to the entitlement or otherwise of the petitioner for renewal of license and that in due course appropriate orders would be passed.

Recording the afore-said submissions, the Writ Petition is disposed of directing the respondents to pass appropriate orders, within a period of fifteen (15) days from the date of receipt of a copy of this order, on the application of the petitioner, dated 25.09.2017, requesting for renewal of the license by following the Rule position and the procedure established by law and communicate a copy of the order to the petitioner within a week thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

31.10.2017
Vjl

M. Seetharama Murthi, J

