

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11534 OF 2017

ORDER :

Inaction of Respondents 2 to 4 in considering the representation dated 17.03.2017 submitted by the petitioners is questioned in this Writ Petition.

The 5th respondent is the licensee of a wine shop situated opposite RTC Depot, Kandukuru which falls within the 500 meters area from highway. Hence, he submitted proposals to the 4th respondent Prohibition & Excise Superintendent, Ongole for shifting his shop to the Eastern side of petitioners 1 and 3 and western side of the 2nd petitioner. On coming to know the said proposal, the petitioners along with other residents of the locality submitted the representation dated 17.03.2017 not to allow any wine shop to be established in Kovur Road, Kandukur. They have also made a complaint on 28.03.2017 to the Commissioner, Kandukur Municipality, who personally visited the site and stopped the construction. However, the 5th respondent has high-handedly proceeded with the construction of the shop room.

Heard Smt. Jhansi, learned counsel for the petitioners as well as learned Government Pleader for Prohibition & Excise.

Rule 4 of the A.P. Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012 stipulates that while initially fixing the number of shops in an area/locality, the Commissioner is required to examine the requirement of public order, health, safety and other factors, which he thinks fit.

The representation submitted by the petitioners clearly raises a concern about the above-said requirements, which have been enumerated in Rule 4 of the 2012 Rules. Respondents 2 to 4

are therefore, directed to consider the proposal of the 5th respondent, keeping in view the objections raised by the petitioners and other residents of the locality and the requirements as laid down in Rules 4 and 25 of the 2012 Rules.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand disposed of.

CHALLA KODANDA RAM, J

31st March 2017

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