

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10703 OF 2017

ORDER:

In this writ petition, the petitioner challenges notice, dated 02.03.2017, cautioning the petitioners to close their wine shops by 30.06.2017 as their shops are being located within prohibited area of 500 mts., of the outer edge of the State Highway No.3.

Learned counsel for the petitioners submits that there is no State Highway No.3 and the same is evident from the list of State Highways filed along with the writ petition.

On the other hand, learned Government Pleader for Prohibition & Excise, placed on record, the notification wherein the State Highway No.3 over an extent of 3 kilometers has been notified between Visakhapatnam to Bhuvaneswar road from kilometers 119/6, 120/16 in Npeta village limits. Basing on this, learned Government Pleader submits that as a matter of fact all the petitioners have made applications for shifting of their shops in conformity with the judgment of the Supreme Court in **State of Tamil Nadu vs. K. Balu & another¹**, where it is stated that no wine shop should be located within the area of 500 meters of State/National Highway.

Considering the respective submissions and also considering the fact that the shops of the petitioners having located within the area of 500 meters and that the petitioners have already made applications for shifting of their shops, the writ petition does not deserve for any consideration.

Accordingly, the Writ Petition is closed. No order as to costs. Miscellaneous petition pending if any, shall stand closed.

CHALLA KODANDA RAM, J

March 28, 2017
KTL

¹ 2017(2) SCC 281