

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20717 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the respondents 2 to 5 in granting Bar license to the 6th respondent vide license No.(-11-), dated 20.06.2017, enabling him to run the Bar at D.No.5-39/ 1/ 1, Old Malkajgiri, Medchal District, even though the premises is situated within a distance of 500 mts., of predominantly residential area and the premises is not located on a main road used for shopping purpose, as illegal and arbitrary, and consequently, direct the respondents 2 to 5 to set aside the license issued to the petitioner.

Heard and perused the material available on record.

It is the case of the petitioner that he is a resident of Satya Sai Colony, Malkajgiri. The 6th respondent is running a restaurant at D.No.5-39/ 1/ 1, Old Malkajgiri. Recently, the petitioner came to know that the 6th respondent is going to establish a Bar in the said premises. The petitioner along with other residents of the colony raised objections for establishment of the Bar in the residential locality as there is a Bus stop in front of the said premises and the children and ladies will face problems and it will become difficult for them to come to the bus stop. Since no action has been taken by the respondents 2 to 5, the petitioner and others residents submitted a representation, dated 20.02.2017, to the 2nd respondent stating the factual aspects and requested him not to grant license to the 6th respondent. As there was no response from the 2nd respondent, the petitioner filed WP No.20078 of 2017 before this Court. When the said writ petition came up for hearing on 21.06.2017,

learned Assistant Government Pleader informed that the license was already granted on 20.06.2017 in favour of the 6th respondent. Therefore, this Court closed the said writ petition as infructuous. The main grievance of the petitioner is that though they submitted representation way back on 20.02.2017, without considering the same, the 2nd respondent issued license in favour of the 6th respondent. Hence, this writ petition.

Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the writ petition can be disposed of with a direction to the 2nd respondent to pass appropriate orders on the representation made by the petitioner and others within a specific time.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to consider representation, dated 20.02.2017, submitted by the petitioner and other residents of Satya Sai Colony, Malkajgiri, and pass appropriate orders, within a period of eight (8) weeks from the date of receipt of a copy of this order.

No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 27, 2017
KTL