

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14453 of 2017

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Excise.

The petitioner states that, pursuant to the notification dated 14.11.2016, he applied for grant of licence for establishment of 'Bar and Restaurant' by paying requisite fee. Originally, the petitioner made application to set-up 'Bar and Restaurant' at premises bearing No.2-6-118/1/3, Srinagar Colony, Kurmawada, Opp:Laxmi Water Plant, Town and Mandal, Jangaon District. Thereafter, considering that the said location is coming within the prohibited zone, in terms of the judgment dated 15.12.2016, of the Supreme Court, in **State of Tamil Nadu v. K.Balu**, the petitioner has intimated an alternative place at Sy.No.123/A, Jangaon Town. The petitioner claims to have invested huge amount for acquiring the subject property and, in fact, incurring rent and other expenditure apart from depositing amount with the respondent – authorities. The petitioner, therefore, prays that a direction be issued to the respondent – authorities to grant licence by processing his application dated 08.12.2016.

Learned Government Pleader for Excise, on instructions submits that, pursuant to the notification, as many as 11 applications have been received and, the respondent – authorities are since in the process of scrutinizing the same,

action would be taken as early as possible, and the delay is only on account of changed circumstances.

Having heard the respective submissions of the counsel, it is noticed that, in terms of the notification issued by the respondent – authorities, the schedule of processing indicates that the respondent – authorities are required to conduct drawl of lots by 05.01.2017 within the notified area of GHMC; by 08.01.2017, for the locations outside the GHMC; and, between 08.01.2017 and 20.01.2017, the office of Commissioner, of Prohibition and Excise, is required to issue prior clearance. Hence, the grievance of the petitioner is germane and genuine. In the facts and circumstances, the period notified by the respondent – authorities themselves require such exercise to be completed in the month of January, 2017 itself but, in view of the judgment of the Supreme Court on 15.12.2017, and clarification on 30.03.2017 in the intervening period, there is some justification in the respondent – authorities not processing the application of the petitioner. In such circumstances, interest of justice would be served if a direction is given to the Commissioner of Prohibition and Excise to process the application of the petitioner, along with others, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a copy of the order.

Accordingly, the Writ Petition is disposed of with a direction to the Commissioner, Prohibition and Excise (who is

not made a party respondent) to pass orders on the application of the petitioner dated 08.12.2016, and complete the process of granting licence, within a period of three weeks from the date of receipt of a copy of this order.

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

CHALLA KODANDA RAM,J

Date: 25.04.2017
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