

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16361 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.4 in insisting the petitioner to pay the permit room registration charges of Rs.5,00,000/- and license fee of Rs.10,000/- without following the due process of law as per G.O.Ms.No.113, Revenue (Excise-II) Department, dated 22.03.2017, as illegal and arbitrary and consequently, direct respondent No.4 not to insist the petitioner to pay the permit room registration charges and license fee before the opening date of the wine shops i.e., 01.07.2017.

2. Case of the petitioner is that the State Government issued notification on 23.3.2017 calling for applications for granting license for wine shops. The petitioner applied through online enrollment. On 31.3.2017, he was elected as a successful person to grant license for wine shop in Kaikaluru Mandal. Respondent No.4 issued the letter for intimation of selection addressing him as a successful person for establishing the wine shop in Kaikaluru Mandal, dated 31.3.2017. The said wine shop will start from 01.07.2017 as per G.O.Ms.No.113, dated 23.3.2017. Presently, he is searching for suitable place for establishing the wine shop and he has to select the unique name and style for his shop. Thereafter, he can pay the permit room registration fee of Rs.5,00,000/- and license fee of Rs.10,000/- as per Clause (XIX) of G.O.Ms.No.113. While so, respondent No.4 is insisting him to pay the said fees within fifteen days. The petitioner has already paid

the first instalment of Rs.7,00,000/- out of three instalments towards shop license fees to the State Government. Now, he is securing the remaining amount to be paid for other two instalments. He need to secure the money and find suitable place for taking the shop on lease for running without any disputes. Hence, he filed the present writ petition.

3. Heard and perused the material available on record.

4. Considering all the facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the case, respondent No.4 is directed not to insist the petitioner for payment of permit room registration charges of Rs.5,00,000/- and the license fee of Rs.10,000/- till 01.07.2017.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 06.06.2017
AMD

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