

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.31561 of 2015

ORDER:

This Writ Petition is filed on the allegation that the 3rd respondent's Shiva Shivani Wines shop is situated at about 90 mtrs., from the existing Government High School and Junior College, Quthbullapur Village.

The 2nd respondent- Superintendent, Prohibition and Excise Department, Hyderabad, filed a counter affidavit along with a sketch map, according to which, the distance between the said wine shop and the Government school is 110 mtrs.

Learned counsel for the petitioner submits that as the measurement, which is required to be made, is the normal way for a pedestrian to reach the wine shop, is the way the distance has to be reckoned, in which event, it would be a distance of 90 mtrs., and not 110 mtrs., as contended by the authorities.

Having considered the material on record, the sketch filed by the petitioner, though, in practical sense there is a possibility to a person to pass across the road, however, the same is not a safety requirement for a person walking across. The sketch shown by the petitioner requires a person to diagonally walk across the middle of the road, which is impracticable and also not safe. In normal circumstances the walking has to be on the pedestrian pathway. In those circumstances, the sketch filed by the 2nd respondent which is not in dispute is acceptable. In those circumstances, there being no violation, permission granted in favour of the 3rd respondent cannot be found fault.

Accordingly, this Writ Petition deserves no merit and dismissed. However, one aspect which may be observed is that to avoid controversy of this nature, the respondent authorities shall consider in future to maintain sufficient distance beyond reasonable doubt and without giving scope for 1 mtr., or 2 mtrs., or 10 mtrs., controversy which requires consideration by this Court. This can be achieved only by strict compliance of Rules and not by way of any letter in spirit rather than measuring by a meter or inches.

Consequently, the Miscellaneous Petitions, if any pending, shall stand closed. No costs.

Date:16.02.2017
Ssv

CHALLA KODANDA RAM, J

