

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11605 OF 2017

ORDER :

This Writ Petition has been filed seeking a *mandamus* to declare the action of the respondents in not considering the representation of the petitioner dated 27.03.2017 objecting for establishment of another shop at Yeditha Village, Mandapet Mandal, East Godavari District, during subsistence of the licence issued in his favour, as illegal and arbitrary.

The case of the petitioner, as submitted by the learned counsel, is that he was granted licence to establish and run an A-4 shop on 31.07.2015 and the same is valid till June 2017, but however, on account of the notification issued on 24.03.2017, there is every likelihood of the respondent authorities granting new licence within the area of operation of the petitioner, thus, depriving him to run the business. It is the further case of the petitioner that previously, taking into consideration the then policy, in a mandal only five shops were permitted, but in the present notification, five shops are proposed to be given without specifying the locality treating the Mandal as a unit, leaving it open for the applicants to apply for any location.

Learned Government Pleader for Prohibition & Excise submits that the Writ Petition is premature, as, even as on date, no new licence has been given.

The petitioner appears to have filed the Writ Petition only on mere apprehension. In the notification issued on 24.03.2017, no area has been specified, but the Mandal as a unit has been

notified. Though there is no specific rule providing for shops not being located within the area where a shop is existing, it cannot be presumed that the authorities would not take into consideration the said aspect. The respondents are also required to consider the viability of new shops, as otherwise, the bidders would not offer highest licence fees. In those circumstances, the Writ Petition is liable to be rejected. However, in the event the respondent authorities grant licence anyway near the petitioner's licensed premises, the petitioner shall have the liberty to question the same in an appropriate proceedings.

Preserving said liberty, the Writ Petition is closed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

03rd April 2017

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CHALLA KODANDA RAM, J

