

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.12427 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents 2 to 4 in issuing A-4 license in favour of the petitioner for Shop at Gazette Sl.No.118 of District Gazette No.21, dated 24.03.2017, even though he was declared as a successful bidder/applicant in the lucky draw held on 31.03.2017 in the presence of the 3rd respondent stating that the petitioner is not eligible for issuance of A-4 license as the petitioner is A-4 license holder for the shop at Gazette Sl.No.117, Punganur, Chittoor District, for lease the period from 2015 to 2017.

The case of the petitioner is that on earlier occasion, he was the successful bidder and was granted license for A-4 shop at Sl.No.117, Punganur, Chittoor District, for the period from 2015 to 2017. On account of the judgment of the Supreme Court, initially petitioner was directed to close down the A-4 wine shop by 30.03.2017. Subsequently, pursuant to the notification dated 24.03.2017, issued by the respondents, petitioner submitted application for grant of license in Form A-3 (B) for shops in Sl.Nos.117 and 118 of the notification. In the drawl of lottery, petitioner was declared as a successful bidder with respect to the shop at Sl.No.118 and thereby his bid for shop at Sl.No.117 was not considered. Though the petitioner was declared as a successful bidder for shop at Sl.No.118, the respondents did not consider the case of the petitioner as the petitioner is already holding the license for the shop at Punganoor for the period from 2015 to 2017, on account of the Rule not permitting a single individual to have two licenses. The anomalous situation has arisen on account of the fact

that the notification was issued for grant of licenses for the shops at Sl.Nos.117 and 118 on the premise that the existing shops are required to be closed by 30.03.2017. However, now the respondent authorities have permitted the license holders to operate their respective shops till 30.06.2017 on account of the orders of the Supreme Court dated 31.03.2017. In this context, the petitioner has made a representation on 03.04.2017, to the 4th respondent who is the competent authority requesting him to permit to run both the licenses or in the alternative he may be permitted to run the shop at Sl.No.118 as per the notification dated 24.03.2017. The petitioner is also willing to forego the existing unexpired license period for the shop at Pungnoor which is valid till 30.06.2017. Petitioner also further stated that he is willing to comply with the terms of the Rules where under a licensee is entitled to surrender on shop on certain conditions. In those circumstances, as the Rules itself permit surrender of the unexpired portion subject to certain conditions, the petitioner's case for grant of license to the shop at Sl.No.118 pursuant to the notification dated 24.03.2017, is required to be considered.

In those circumstances, the writ petition is disposed of directing the respondents to consider the representation dated 03.04.2017 of the petitioner by allowing him to retain the shop at Sl.No.118. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:07.04.2017,
Gk

HONB'E SRI JUSTICE CHALLA KODANDARAM



Gk.