

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25032 OF 2014

ORDER:

The writ petition is filed questioning the action of the respondents 2 and 3 for not initiating any action against the respondents 5 to 7 for shifting the premises of 4th respondent's shop or to take any appropriate action.

The grievance of the petitioners is that the respondents 4 to 7 were granted A-4 license to sell liquor in the vicinity of temples and very near to the Bus stop at Tossipudi Village, Biccavolu Mandal, East Godavari District. More importantly, there is a public toilet within a distance of 60 meters, constructed by the Gram Panchayat of Tossipudi Village, for the use of female villagers. It is stated that the customers of the wine shop are drinking the liquor in the premises and also causing nuisance for the public and in particular the ladies who are using the public toilet. It is also the assertion of the petitioners that on earlier occasion in 2012 itself this problem was brought to the notice of the respondents 1 to 3, by one Sri K. Jagga Reddy, S/o. Venkata Reddy, who in fact approached this Court, by challenging the action of the respondents 1 to 3 for granting license in favour of the respondents 4 to 7 herein. However, the said writ petition was closed in the year 2012 taking into consideration of the fact that the license granted to the respondents 4 to 7, in any way was to be expired by 30.06.2012, with the result the 7th respondent got embalmed himself and his customers continued to cause nuisance.

A counter-affidavit has been filed by the Prohibition and Excise Superintendent, East Godavari District, denying the allegations made by the petitioners particularly stating that the temples which the petitioners referred are not registered under Section 6 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,

Act, 1966 and further that there is no prohibition to grant A-4 license merely because the same is situated near to the bus stop. It is further asserted that there is also no prohibition for granting A-4 license merely on account of the ladies toilet being located in the vicinity. The sum and substance of the contention of the respondent authorities is that statutorily all rules have been complied and A-4 license which was granted in favour of the petitioner is in order.

Having considered the pleadings as well as the respective contentions, though there is no violation of the rules in granting A-4 license, the fact that a public toilet for the usage of the general public is situated within the distance of 60 meters away of the A-4 shop is not denied in the counter-affidavit filed by the 3rd respondent before this Court. There is also no denial of the specific assertion of the petitioners that the persons visiting the 7th respondent's shop after consuming the liquor are causing nuisance with the result the persons who are using the public toilets are being inconvenienced.

The Court can take a judicial note of the fact that the ladies particularly in the rural side would feel shy to move around even to answer the nature calls if the men folk is around. This Court can also take a judicial note of the fact that on account of the liquor being allowed to be consumed in the very shop or in the adjacent room under the guise of the permit rooms virtually the Bars are being opened in the streets. This also cannot be denied that the persons who consume liquor in the shops that too in the permit rooms are the habitual drinkers who generally consume the cheap liquor in large quantities and thus getting inebriated and there is a possibility of misbehaving on the streets. The respondent authorities ought to have considered in the present case all these aspects while granting license for A-4 shop with permit room. However, considering the fact that in the present case, license granted in

favour of the 7th respondent is going to be expired on 30.06.2017, the respondent authorities shall ensure that no future license is granted in the said premises or anywhere near, so that the nuisance of the nature which the petitioner is complaining, does not get repeated.

With the above observations, the writ petition is disposed of. No order as to costs.

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

CHALLA KODANDA RAM,J

Date:14.03.2017.

Note:

Dispatch the CC forthwith.

B/o.Gk



THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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