

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37864 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit filed in support of the writ petition, it is prayed that this Honourable Court may be pleased to issue an appropriate writ, order or direction, more particularly a Writ in the nature of Mandamus declaring the action of the respondent No.3 in not endorsing renewal on the permit of the licence of the petitioner granted vide licence No.457, dated 4-7-2006 for the year 2017-18 is illegal, arbitrary and unconstitutional. Consequently, direct the respondents No.4 and 5 to continuing supply the liquor to the petitioner, i.e., Mallikarjuna Bar and Restaurant pursuant to the proceedings dated 4-10-2017 issued by the respondent No.2 and be pleased to pass such other and further order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard *Sri Rajagopallavan Tayi*, learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

I have perused the material record.

3. The case of the petitioner and the submissions made on its behalf, in brief, are as follows: 'The petitioner is a partnership firm consisting of the writ petitioner N.Raju, and another as managing Partners. They have made an application for running a Bar and the partnership Firm was granted 2-B licence. The licence period had expired. When the writ petitioner Firm represented by its Managing Partner, N.Raju, made an application for renewal of the said licence, the same is not being disposed of in accordance with the procedure established by law though the licence fee in a huge sum was paid by way of challan. Hence the writ petition is filed requesting for renewal of the licence.

4. Learned Government Pleader, on instructions, submits that the Department received a complaint, on 27.10.2017, from one Vishnu Goud, the first partner of the petitioner Firm, M/s. Mallikarjuna Restaurant and Bar, and that the said partner in his complaint has stated that the present partner representing the writ petitioner Firm with an ill intention and to avoid his rights submitted a renewal application of Bar without his consent and that his signature might have been forged; and hence, the facts are brought to the notice of the authority. In that view of the matter and in view of the provision of Rule 9 of the Telangana Excise (Grant of licence of selling by bar and conditions of licence) Rules, 2005, learned Government Pleader would submit that to the exclusion of one of the partners, on the application of the one partner, no licence would be renewed and that therefore, the respondent authority is justified in not considering the application for renewal of the licence of the petitioner Firm.

5. In reply, learned counsel for the petitioner would submit that the respondents may be directed to consider and pass appropriate orders on the application of the petitioner Firm.

6. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the application, submitted by N. Raju, Managing Partner of the writ petitioner Firm, for renewal of licence, in strict accordance with the procedure established by law within two weeks from the date of the receipt of a copy of this order and communicate the decision thereon to the said N. Raju, Managing Partner of the writ petitioner Firm within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.Seetharama Murthi, J

13.11.2017

Note:- Issue CC by 14.11.2017
(B/o)
RAR

