

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36566 of 2017

ORDER:

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

“to declare the action of the respondents 2 to 4 in according license for the sale of Indian made foreign liquor by shop at Balanagar Shop No.2, GHMC Ward No.120, Balanagar, Balanagar mandal, Rangareddy District vide License No.23/2017-19 dated 13-10-2017 inspite of the petitioner written representation dated 27-9-2017 as illegal, arbitrary, unjust and also against the provisions of Excise Laws and consequential directions to the respondents 1 to 4 to cancel the license No.23/2017-19 dated 13-10-2017 standing in the name of the 5th respondent forthwith.”

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Excise for respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that the grievance of the petitioner is that the licence in question was granted without the consent of the petitioner to the 5th respondent and that the petitioner's written representation, dated 27.09.2017, was ignored while granting such licence and that therefore, the action of the official respondents is illegal, arbitrary and unjust.

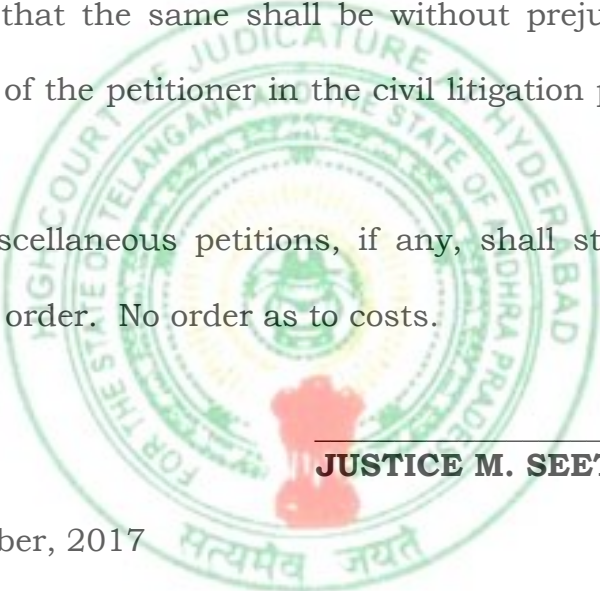
4. At the hearing, learned counsel for the petitioner fairly submits that two civil suits i.e., O.S.Nos.166 of 2017 & 116 of 2016 are pending before competent civil Courts and that one of the suits is between the 5th respondent and the GHMC and that since the civil Court which is is competent to go into the questions of fact and determine complex

questions of fact as well is ceased of the matter, this writ petition may be disposed of without prejudice to the rights and contentions of the petitioner in the civil litigation pending before the Civil Courts.

5. Learned Government Pleader representing respondents 1 to 4 would submit that the licence in question was granted after taking into consideration all the relevant aspects and also the Lease Deed produced by the 5th respondent and that the writ petition is devoid of merit.

6. Having regard to the submissions of the learned counsel for the petitioner, this Writ Petition shall stand disposed of, however, subject to the observation that the same shall be without prejudice to the rights and contentions of the petitioner in the civil litigation pending before the civil Courts.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



JUSTICE M. SEETHARAMA MURTI

Date: 1st November, 2017

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