

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37352 of 2017

ORDER:

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

“to declare the action of the District Collector, Mahabubabad in drawing lots on 23.10.2017 and picking of the names of respondents 8 and 9 for the two shops in Garla Village and action of the District Prohibition and Excise Officer, Mahabubabad is issued provisional confirmation letter to them as illegal, arbitrary and in violation of the provisions of Constitution of India and issue a writ of mandamus setting aside the lottery conducted by the Collector on 23.10.2017 and the consequential issuance of provisional confirmation letter by District Prohibition and Excise Officer, Mahabubabad.”

2. The grievance of the writ petitioner is that Garla Village is within the Tribal Area and that if any licence is to be granted by the Prohibition and Excise Department, the Andhra Pradesh Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 (for brevity “the PESA Rules”) have to be followed; and that without following the said Rules, confirmation letter was issued in favour of respondents 8 and 9 for allotment of licences for two shops in Garla Village; and, that the said exercise is contrary to law and the Rules.

3. Learned counsel for the petitioner would submit that unless the Grama Sabha passes a resolution as per the PESA Rules, no licence shall be issued to any person for any shop within the Garla Village.

4. Learned Government Pleader having taken notice, would submit that the letter impugned states that only pre-selections were conducted; that licences would be issued when the selected persons secure resolution as per PESA Rules; that as on today, no licences are issued; and, that without following the PESA Rules and without obtaining the resolution from the Grama Sabha, no licence would be issued.

5. Recording the submissions, the Writ Petition is disposed of, directing the respondents not to issue any licence for any shop in Garla Village, without following the PESA Rules and securing the resolution from the Grama Sabha under the said Rules.

As a sequel, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

NOVEMBER 08, 2017
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M.SEETHARAMA MURTI, J



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Date: 08.11.2017