

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.37254 of 2017

ORDER:

This writ petition under Article 226 of the Constitution of India is filed by the petitioners seeking the following relief:

“...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the Respondents in issuing the License for the retail sale of toddy to the TCS shop No.2 with Petitioner Nos.2 to 7 as its members instead of issuing new/renewing individual TFT licenses as illegal, arbitrary, contrary to law, violative of fundamental rights and against principals of Natural Justice; and pass such other order or orders may deem fit and proper in the circumstances of the case.”

The case of the petitioners is this: ‘The first petitioner-society holds a licence for retail sale of toddy under TCS and its licence was renewed for a period from 01.10.2017 to 30.09.2022. As the first petitioner is having a TCS licence, no TFT licence can be issued in view of the existence of the said TCS licence. Therefore, petitioners 2 to 7 and the first petitioner made a joint application to issue a separate licence for TCS shop No.2 including applicants 2 to 7 in addition to the renewing the licence of applicant No.1.’ In this writ petition, the petitioners seek a direction to the respondents to consider and dispose of the said request.

Learned Government Pleader appearing for the respondents would submit that the request was made only on 30.10.2017.

Having regard to the submissions, the writ petition is disposed of directing the second respondent to consider and dispose of the request of the petitioners, in strict accordance with procedure established law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners within a week thereafter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

No order as to costs.

M. SEETHARAMA MURTI, J

Date: 07.11.2017
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