

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39917 of 2017

ORDER:

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

“Therefore, it is prayed that the Hon’ble Court may be pleased to declare that the action of the official respondents in granting permission/license for setting up of bar and wine shop in the premises of C-57, Road No.1, Filmnagar, Jubileehills, Hyderabad as illegal, arbitrary and contrary to rules and procedure required under the prohibition and excise laws and against the security and safety of neighbours and residents of the locality and also general public by way writ order or direction more particularly one in the nature of Writ of Mandamus in the circumstances of the case and pass such further order or orders in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Vinjamuri Ranga Babu*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Excise appearing for the respondents 1 to 3. I have perused the material record.

3. The case and the grievance of the writ petitioner, in brief, is this: There is a proposal for locating a Bar and Wine shop in Premises bearing No.C-57, Road No.1, Film Nagar, Jubilee Hills, Hyderabad, by the 4th respondent. On coming to know of the same, a representation was given by all the residents of that area on 15.11.2017 to the Commissioner of Excise and Prohibition. The Film Nagar Co-operative Housing Society Limited, Film Nagar, Jubilee Hills, Hyderabad, also submitted a representation, dated 21.11.2017, referring to the complaint, dated 15.11.2017, of the residents of the locality, wherein it was brought to the notice of the concerned including the 4th respondent that the licence relates to a shop at

Shaikpet area and, therefore, the establishment of the shop in the afore-stated subject premises in Film Nagar area has to be stopped. The Film Nagar Co-operative Housing Society Limited has submitted another representation, dated 10.11.2017, to the Assistant Commissioner of Police, Banjara Hills Police Station, Banjara Hills, Hyderabad, stating various reasons in support of their objection for establishment of the shop in Road No.4, Film Nagar. Since the representations are not considered and the 4th respondent is making preparations for establishment of the proposed Bar and Wine shop in the afore-stated premises at Film Nagar, the present writ petition is filed.'

4. Learned Government Pleader appearing for the official respondents 1 to 3 would submit that as per the instructions received by him, so far no licence is granted to the 4th respondent for establishment of a Bar and Restaurant or a wine shop in Road No.1, Film Nagar, Jubilee Hills, Hyderabad, and that the authority concerned would consider and dispose of the representations of the petitioner as well as Film Nagar Co-operative Housing Society Limited before considering the request of the 4th respondent for grant of a licence for location of the Bar or Wine shop in the afore-stated premises at Film Nagar. Learned Government Pleader also would submit that the writ petition is filed on mere apprehensions and without stating as to whether the proposed shop is a Bar and Restaurant or a Wine shop.

5. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representations afore-stated of the petitioner as well as of Film Nagar Co-operative Society Limited before taking an appropriate decision in

the matter of according permission to the 4th respondent for establishment of a Bar and Restaurant or a Wine shop in Plot No. C-57, Site-I, Film Nagar, Jubilee Hills, Hyderabad, and communicate the decision taken thereon as and when taken within a week thereafter to the petitioner.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 27th November, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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