

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40039 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘...to issue an appropriate Writ, order or direction, one more particularly in the nature of a “Writ of Mandamus” by declaring the action of Respondent No.2 in issuing impugned Show Cause Notice bearing Cr.No.B21207/2017 dt.18.11.2017 as illegal, arbitrary, unjust, unreasonable and violative of the valuable rights of the Petitioner and consequently set aside same and pass appropriate orders and award costs and pass such other order...

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader representing the respondents. I have perused the material record.

3. The issue involved is with regard to renewal of B shop licence of the petitioner.

4. Learned counsel for the petitioner would submit as under: ‘Due to change of the business premises of the main shop, with the permission of the authority concerned, the distance between the existing B shop at Babulreddy Nagar and TCS, Shivarampally, has exceeded the prescribed limit; the distance now being 2.3 KMs between the two. The licence of the TCS, Shivarampally has already been renewed. A show cause notice, dated 18.11.2017, which is impugned, was issued invoking the provision laid down in sub cause (vi) of sub rule 4 of Rule 5 of A.P Excise (Grant of Licence to sell Toddy conditions of Licence and tapping of Excise Trees) Rules, 2007, Telangana Adaptation Order, 2015. Admittedly, as per the said Rule, the B shop shall be within 2

KMs distance from the main shop. Therefore, in the impugned notice, it is stated that the said Rule has been violated in grant of B shop licence of TCS, Shivarampally. However, the petitioner submitted an explanation, dated 22.11.2017, to the said show cause notice; a decision is yet to be taken by the authority concerned on the subject matter. The apprehension of the petitioner is that in view of the variation in distance, the renewal of licence for the B shop may not be granted. However, the petitioner offers to have the B shop premises at an approved place within the permitted distance of 2 KMs from the main shop.'

5. Learned Government Pleader would submit that the writ petition is premature since a decision is yet to be taken and that the writ petition may be disposed of giving directions for disposal of the matter by the authority concerned in strict accordance with the procedure established by law.

6. Learned counsel for the petitioner endorses the said submission, *inter alia*, requesting the Court to protect the interests of the petitioner in an appropriate manner.

7. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the reply, dated 22.11.2017, of the petitioner given in response to the show cause notice, dated 18.11.2017, within three (03) weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law, and communicate the decision taken thereon to the petitioner within a week thereafter. Further, while considering the request of the petitioner for renewal of licence for B shop, the authority concerned shall also consider the alternative submission of the petitioner that the petitioner is prepared to have

the B shop at an approved place within the permitted distance of 2 KMs from the main shop.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

04.12.2017

Vjl

