

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39747 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is therefore prayed that the Hon’ble court may be pleased to declare the action of the Respondent No.1, 2, 3 & 5 in proposed license sanctioned of permission to Respondent No.6 for setting up the Bar & Restaurant situated at premises D.No.3-9-16A, Ward No.37, Bhimavaram Municipality, not taking any action against the Respondent No.6 & 7 is illegal, arbitrary and following the due process of law and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *M. Venkatramana*, learned counsel appearing for the petitioner, the learned Government Pleader for Excise (Andhra Pradesh) appearing for the respondents 1 to 5, and of the learned counsel appearing for the respondents 6 & 7. I have perused the material record.

3. The grievance of the writ petitioner is against the request of the respondents 6 & 7 with regard to proposed shifting of their Bar and Restaurant from Ward No.35 of Bhimavaram Municipality to Ward No.37 of Bhimavaram Municipality, which is the locality of the present petitioner.

4. Learned counsel appearing for the petitioner would submit that if the objections of the petitioner are considered before the request of the respondents 6 & 7 for shifting of their Bar and Restaurant from the present premises in Ward No.35 of Bhimavaram Municipality to Ward No.37 of Bhimavaram Municipality, the grievance of the petitioner would stand redressed.

5. Learned Government Pleader for Excise appearing for the respondents 1 to 5 would submit that the Commissioner is yet to take a decision after considering the request of the respondents 6 & 7 for proposed shifting of their Bar and Restaurant from the existing place in Ward No.35 of Bhimavaram Municipality to Ward No.37 of Bhimavaram Municipality and that before any decision is taken, the objections submitted by the petitioner would be considered, in accordance with the procedure established by law.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the objections of the petitioner while taking a considered decision on the request of the respondents 6 & 7 for shifting of their Bar and Restaurant from the present premises in Ward No.35 of Bhimavaram Municipality to the proposed premises in Ward No.37 of Bhimavaram Municipality. The said exercise shall be completed within a period of two (02) weeks from the date of receipt of a copy of this order and the decision taken thereon shall be communicated to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 29th November, 2017

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