

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.43481 of 2017

ORDER:

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

“....to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4, in not considering the petitioner's representation dated 12-12-2017, requesting not to grant shifting permission to the A4 shop of the 5th respondent i.e., M/s.Babu Wines, from Varagali Village to Tamminapatnam village as illegal, arbitrary and violation of principles of natural justice and against the A.P. Excise Rules, 2012 and consequently direct the respondents 2 to 4 not to grant shifting permission to the A4 shop of the 5th respondent i.e., M/s.Babu Wines from Varagali village to Tamminapatnam village and to pass such other order or orders may deem fit and proper in the circumstances of the case.

The grievance of the writ petitioner is this: -‘The petitioner is a licence holder for A4 shop in a small village. The 5th respondent is aware of the said fact. The 5th respondent is a licence holder for another A4 shop in a different village. An application was made by the 5th respondent to the official respondent authorities for permission to shift its A4 shop from the existing premises to the premises in the village where the A4 shop of the petitioner is situate. If the said request of the 5th respondent is considered, the petitioner would suffer serious and irreparable loss. Despite a representation/objection, dated 12.12.2017, no action is taken by the official respondents. Hence, the writ petition is filed.’

At the hearing, learned counsel for the petitioner would submit that if the petitioner's afore-said representation/objection is considered and disposed

of while considering the request of the 5th respondent for shifting of its A4 shop, the ends of justice would be met.

Learned Government Pleader representing the respondents 1 to 4 endorses the said submissions.

Accordingly, recording the afore-said submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation/objection, dated 12.12.2017, of the petitioner while taking a considered decision on the request of the 5th respondent for shifting of its A4 shop from the existing premises to the premises in the village of the petitioner, where the A4 shop of the petitioner is situate. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

20.12.2017

Note: Issue CC by 21.12.2017.

[B/o]
Vjl