

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39886 of 2017

ORDER:

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

‘...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the inaction of the respondent authorities in taking steps to cancel the permission accorded in favour of the 6th respondent for establishment of Bar and Restaurant in premises bearing D.No.7-319/A1, Gowtham Budda Road, Mangalagiri Municipality, Guntur District which is within the purview of CRDA R-1 Zone, inspite of the written representations followed by personal visits, as being illegal, arbitrary and unconstitutional and consequently direct the respondent No.4 and 5 herein to cancel the Trade Licence and the Form-2B licence issued in favour of the 6th respondent, and to grant such other relief or reliefs...’

I have heard the submissions of the learned counsel for the petitioners, learned Government Pleader for Revenue representing the 1st respondent, learned Standing Counsel for CRDA representing the 3rd respondent, learned Standing Counsel for Mangalagiri Municipality representing the 4th respondent and the learned Government Pleader for Prohibition and Excise representing the 5th respondent. I have perused the material record.

The grievance of the petitioners is with regard to grant of a trade licence to the 6th respondent for establishment of a bar and restaurant in a prohibited area as per the Amaravati Capital City Mater plan.

Learned counsel for the petitioners would submit as follows: ‘Though objections were raised several times, the 4th respondent Municipality has not taken any action. A complaint was also filed before the Commissioner, Andhra Pradesh Capital Region Development Authority [AP CRDA]. Despite a letter by the Commissioner of AP CRDA, dated nil/10/2017 to the Commissioner, Mangalagiri Municipality, not to allow establishment or running of a bar and restaurant in the Village Planning Zone (R1) as per Amaravati Capital City Master Plan, no action is being taken by the 4th respondent Municipality. If appropriate action is taken on the afore-said letter of the Commissioner, AP CRDA, the grievance of the petitioners would stand redressed.’

Learned Standing Counsel representing the 4th respondent Municipality would submit as follows: 'The building with door nos.43, 44, 45, 46 and 47 of Mangalagiri Municipality is of an extent of 1740.17 Square Metres. The Trade Licence has been granted to the 6th respondent to carry on the trade/operation of M/s. Sri Kala Garden Restaurant bar (Eating Establishments, Bar & Restaurants) at premises No.7-319A1, near APSRTC Depot, Mangalagiri. In view of the afore-said letter of the Commissioner, AP CRDA, the issue as to whether the above said property is within the Village Planning Zone (R1) as per the Amaravati Capital City Master Plan, requires examination. The 4th respondent Municipality will do the needful in the matter in accordance with the procedure established by law.'

Recording the afore-said submissions, the Writ Petition is disposed of directing the 4th respondent to consider the representations, dated 16.08.2017 and 19.08.2017, of the petitioners and also the letter of the Commissioner, AP CRDA, in Rc.No.CRDA-12029(41)/15/2017, dated nil-10.2017, and take an appropriate decision on the subject licence granted for establishment or running of a bar and restaurant in the Village Planning Zone (R1) as per Amaravati Capital City Master Plan, within six (06) weeks from the date of receipt of a copy of this order in strict accordance with the procedure established by law and communicate the decision taken thereon to the petitioners within a week thereafter. While doing the said exercise, an opportunity of hearing shall also be given to M/s.Sri Kala Garden Restaurant and Bar. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

04.12.2017
Vjl